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RENTAL QUARTERS AND SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

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HEARING

BEFORE THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 1833

AN ACT TO AUTHORIZE GOVERNMENT AGENCIES TO PROVIDE
QUARTERS, HOUSEHOLD FURNITURE AND EQUIPMENT, UTILI-
TIES, SUBSISTENCE, AND LAUNDRY SERVICE TO CIVILIAN
OFFICERS AND EMPLOYEES OF THE UNITED STATES, AND
FOR OTHER PURPOSES

JUNE 3, 1964

Printed for the use of the
Committee on Post Office and Civil Service



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RENTAL QUARTERS AND SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

WEDNESDAY, JUNE 3, 1964

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room 215, Cannon House Office Building, Hon. Arnold Olsen of Montana (chairman of the subcommittee) presiding.

Mr. OLSEN. The subcommittee will come to order.

This subcommittee was appointed to consider S. 1833, which is based on an official recommendation of the Bureau of the Budget.

S. 1833 is primarily perfecting legislation which would: (a) Restate existing authority to provide quarters or housing, and related facilities, for Federal civilian employees and members of the military service on a rental basis; (b) reinstate a statutory barrier against forced occupancy of Government rental housing; (c) authorize the President to issue regulations for more equitable application of the laws relating to rental quarters and related services; and (d) clarify the applicability of the laws in certain cases not now clearly covered, such as rent for employees of Government contractors and members of the uniformed services who occupy housing on a rental basis.

This legislation does not authorize any new construction or acquisition of Government quarters, or in any way alter the basic statutory policy that employees stationed in the United States and its territories should pay a reasonable rate for quarters, or pay a reasonable charge for utilities or other services. Nor does it interfere in any way with the authority to require military personnel to live in "public quarters" free of rent, in accordance with normal military practice. This legislation applies only when quarters are occupied on a rental basis and does not apply to Government quarters that are occupied without cost to the occupant.

This is the third consecutive Congress that the Bureau of the Budget has submitted official recommendations on this subject. S. 3486 of the 86th Congress passed the Senate on June 18, 1960. H.R. 7021 of the 87th Congress passed the House on August 21, 1961. And now S. 1833 of the 88th Congress passed the Senate on January 23, 1964. These bills are substantially identical and there is no known opposition to the legislation. In fact, H.R. 7021 of the 87th Congress passed the House on the Consent Calendar.

In view of the lack of any opposition to this legislation in the past, it is hard to understand why there has been such a delay in obtaining enactment. An amendment has been prepared as a substitute for the

provisions of S. 1833, which is intended to clarify some of the provisions of the bill. The amendment does not contain any major substantive change in the practical effect of the bill. Copies of this amendment have been furnished to the Bureau of the Budget and it is hoped that the Bureau's representatives testifying here today will be able to indicate whether they have objection to any of the language in the amendment.

I would like to have inserted in the record at this point a copy of the Senate-passed bill, a copy of the proposed amendment, and a copy of the background and purpose of the proposed bill.

(The documents referred to follow :)

[S. 1833, 88th Cong., 2d sess.]

AN ACT To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of each department, independent establishment, and Government corporation may, under such regulation as the President may prescribe and where conditions of employment or availability of quarters warrant it, provide, either directly or by contract, civilian officers and employees stationed in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, with quarters (Government owner or leased), household furniture and equipment, utilities, subsistence, and laundry service.

SEC. 2. Rental rates for any Government owned or leased quarters provided under authority of section 1 of this Act, or occupied on a rental basis under authority of any other provision of law, and charges for any furniture and equipment, utilities, subsistence, and laundry service made available in connection with the occupancy of such quarters, shall be based on the reasonable value thereof to the officer, employee, or member of the uniformed services concerned, in the circumstances under which furnished. Such rates and charges shall be determined in accordance with such regulations as the President may prescribe, and the amounts thereof shall be paid by or deducted from the salary of such officer, employee, or member of the uniformed services, or otherwise charged against them: *Provided*, That the amounts of any payroll deductions for such charges shall remain in the applicable appropriation or fund, but whenever payments are made by any other method the amounts shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 3. Whenever, as an incidental service in support of a Government program, any Government owned or leased quarters, and any related furniture and equipment, utilities, subsistence, and laundry service are provided, under specific Government direction, to any person who is not an officer or employee of the Government or a member of the uniformed services, the rates and charges therefor, which shall be paid or otherwise credited to the Government, shall be determined in accordance with section 2 of this Act: *Provided*, That the amounts of any such charges shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 4. No civilian officer, employee, or member of the uniformed services shall be required to occupy Government owned or leased rental quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

SEC. 5. Section 2 of this Act shall not be construed as repealing or modifying any provision of law which may authorize the provision, without charge or at specified rates, of any of the items enumerated in section 1 of this Act, to any specific civilian officer or employee, or to any class of such officers or employees, or to such officers or employees under emergency conditions or to members of the uniformed services.

SEC. 6. Section 3 of the Act of March 5, 1928 (45 Stat. 193 (5 U.S.C. 75a)), is repealed.

Passed the Senate January 23, 1964.

Attest:

FELTON M. JOHNSTON, *Secretary*.

PROPOSED SUBCOMMITTEE AMENDMENT TO S. 1833

That, for the purposes of this Act—

- (1) "Government" means the Government of the United States of America.
- (2) "agency" means—
 - (A) each executive department of the Government ;
 - (B) each agency or independent establishment in the executive branch of the Government ;
 - (C) each corporation owned or controlled by the Government, except the Tennessee Valley Authority ; and
 - (D) the General Accounting Office.
- (3) "employee" means a civilian officer or employee of an agency.
- (4) "United States" means the several States of the United States of America, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.
- (5) "quarters" means quarters owned or leased by the Government.
- (6) "facilities" means household furniture and equipment, garage space, utilities, subsistence, and laundry service.
- (7) "member" and "uniformed services" have the meanings given them by section 101 of title 37, United States Code.

SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly, or by contract, any employee stationed in the United States, with quarters and facilities.

SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

SEC. 4. Whenever, as an incidental service in support of a program of the Government, any quarters and facilities are provided, by appropriate authority of the Government, to any person other than an employee or a member of the uniformed services, the rates and charges therefor shall be determined in accordance with this Act. The amounts of the payments of such rates and charges shall be credited to the Government as provided by law.

SEC. 5. An employee or a member of the uniformed services shall not be required to occupy quarters on a rental basis unless the head of the agency concerned shall determine that necessary service cannot be rendered, or that property of the Government cannot adequately be protected, otherwise.

SEC. 6. The President may issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of this Act. The head of each agency may prescribe and issue such regulations, not inconsistent with the regulations of the President, as may be necessary and appropriate to carry out the functions of such agency head under this Act.

SEC. 7. Section 3 of this Act shall not be held or considered to repeal or modify any provision of law authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by law.

SEC. 8. Section 3 of the Act of March 5, 1928 (45 Stat. 193 ; 5 U.S.C. 75a), is hereby repealed.

SEC. 9. The foregoing provisions of this Act shall become effective on the sixtieth day following the date of enactment of this Act.

Amend the title so as to read: "An Act to authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes."

BACKGROUND AND PURPOSE OF PROPOSED BILL

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence and laundry service to civilian officers and employees of the United States, and for other purposes

The bill would not authorize any new construction or other acquisition of quarters for any personnel. It would continue the authority, now covered by the act of March 5, 1928 (5 U.S.C. 75a), to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service for civilian employees. It would also provide the basis for fixing rental rates and related charges for rental housing occupied by members of the uniformed services, but it would not change the existing authority to provide quarters and related items to such members. The bill would also apply in those instances (principally involving certain facilities of the Department of Defense and the Atomic Energy Commission) where non-Government personnel—usually contractors' employees—occupy Government quarters.

Section 3 of the act of March 5, 1928 (5 U.S.C. 75a), is the only existing law of general application to civilian employees with respect to providing quarters and fixing rents. It reads as follows:

"The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians."

This law established the equitable principle that the Government should charge employees the reasonable value of quarters and related items furnished to them. However, it does not by its terms apply to those Government quarters which are occupied by members of the uniformed services on a rental basis, nor to those Government quarters which may be occupied by persons who are not employees of the Government. Moreover, it is not specific enough for agencies to independently administer it with reasonable uniformity since it sets no detailed criteria for establishing rents and it does not expressly provide for Government-wide regulations thereunder. It gives no basis for determining reasonable value; that is, whether based on the commercial rental rates or comparable facilities, on the Government's investment in the quarters, or on other factors.

Considerable variation in the interpretation of this 1928 law, and an evident failure by many agencies to charge their employees with the reasonable value of the quarters, came to the attention of both the Bureau of the Budget and the General Accounting Office about 10 years ago. As a result, the Bureau of the Budget in 1951 issued its Circular No. A-45, which established certain procedures intended to make the various agency practices uniform and more equitable to both the Government and the employees concerned. This circular prescribed, as the basic criterion for determining reasonable value for rental purposes, that rents should be set at levels similar to those prevailing for comparable private housing located in the same area, after taking into account certain considerations which affect the value of the housing to the recipient, such as isolated location, and instances where an employee might, for the convenience of the Government, have to accept quarters of a size or quality beyond that which he would choose of his own accord. The proposed bill would provide statutory authority for regulations of the type now prescribed by the Bureau of the Budget circular. The procedure contemplated by this bill is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), and the Government Employees Training Act (5 U.S.C. 2301 et seq.).

Since 1928, several other laws have been enacted which authorize rental of quarters to Government personnel. The act of July 2, 1945, as amended (37 U.S.C. 111a), authorized the occupancy of certain quarters on a rental basis by members of the uniformed services who are authorized to continue to receive their basic allowances for quarters. Sections 404(f) and 405 of the act of August 11, 1955, as amended (42 U.S.C. 1594a(f) and 1594b), authorized the occupancy by civilian personnel, on a rental basis, of Capehart housing and Wherry housing acquired by the Government, and occupancy of some Wherry housing by military personnel on that basis. These provisions of law did not

specify how the rental rates were to be determined, and the draft bill would provide a basis for such determinations.

Section 407(a) of the act of August 20, 1957 (42 U.S.C. 1594j), authorizes the rental of inadequate public quarters to members of the uniformed services, and provides that such personnel will be paid an adjusted quarters allowance amounting to the net difference between (1) the fair rental value of the inadequate quarters, and (2) their basic allowance for quarters. The section provides that it shall be administered under regulations approved by the President. These regulations have been issued by the heads of the departments concerned, after approval by the Director of the Bureau of the Budget, under a delegation of authority from the President in Executive Order No. 10766, dated May 1, 1958. In addition to setting standards of adequacy, these regulations prescribe methods of setting "fair rental value" on the same basis as required by Budget Circular No. A-45. The bill would permit these housing rentals to be fixed under the proposed Government-wide regulations which the President would be authorized to prescribe.

The bill would also permit the President to issue regulations to provide a similar basis for the determination of charges for household furniture and equipment, utilities, subsistence, and laundry service, where such items are authorized to be supplied by the Government.

The draft bill also contains a prohibition against employees being required to occupy Government rental quarters unless a determination has been made that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. Such a prohibition has appeared in annual appropriation act provisions in recent years.

Mr. OLSEN. We will call as the first witness Mr. Carl Tiller of the Bureau of the Budget, Office of Budget Review.

Mr. Tiller, if it is agreeable with you, we will put your statement in full in the record.

PREPARED STATEMENT OF CARL W. TILLER, OFFICE OF BUDGET REVIEW, BUREAU OF THE BUDGET

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you to discuss S. 1833, a bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

The bill you are considering today is one which was first proposed by the Bureau of the Budget in 1960 for the purpose of perfecting the existing law which authorizes the Government to provide its employees with quarters and related facilities where this is necessary, and to make reasonable charges for the quarters and facilities it does provide.

A bill for this purpose—S. 3486, 86th Congress—was passed by the Senate on June 14, 1960. It did not get House action before that Congress adjourned. In the 87th Congress, the House passed such a bill on August 21, 1961 (then H.R. 7021), but the Senate did not act on it.

This current version, which differs from the earlier bills in minor respects which I will touch upon in a moment, was passed by the Senate on January 23 of this year. We are therefore most pleased that your subcommittee is giving consideration to the bill. It is our hope that we will see favorable action completed in this session.

While this legislation might be regarded by some as merely a "housekeeping" measure, it is nonetheless rather important housekeeping. The rents and other charges being made for quarters and other services necessarily provided in support of Government programs are in the range of \$65 million to \$75 million annually. The equitable administration of these charges throughout the Government has been a matter of concern not only to us, but to the General Accounting Office, as well. The matter of inadequate or inequitable charges has been a subject of several audit reports by the Comptroller General in recent years. This bill will provide a sound basis in clearly stated law to better enable the executive branch to administer the principle of equitable charges.

The present law sets the standard of "reasonable value" for determining the rental rates, but leaves open to varying interpretations the meaning of those words. The Bureau of the Budget some years ago issued its Circular No. A-45

to provide a basis for interpreting those words. We believe that reasonable value is normally to be measured by the test of comparability—what the employee would pay for comparable quarters on the open market. The rates should be fair to both the employee and the Government, and should also maintain fairness between the employee in Government quarters and the employee who is in private quarters. The proposed bill more directly fills the need for providing an authoritative interpretation of the law by authorizing the President to issue regulations as appropriate.

The bill would modernize the wording of the 1928 law. For example, the present law states that the value of the facilities and services being provided is to be considered in fixing the employee's salary rate. Actually the salary rate and earnings are not affected by the rentals, but the value of the rental is deducted from earnings in arriving at take-home pay. This would be cleared up by the bill under consideration.

Another kind of situation is overlooked in existing law. It does not specifically cover the case of employees of Government contractors occupying Government quarters or being furnished electricity and other facilities and services. We believe the same principle as is applicable to Government employees is applicable in such cases. Similar problems of lack of clarity sometimes exist when members of the uniformed services occupy Government-provided rental quarters instead of "public quarters" or their own privately obtained housing.

Another gap in the present law relates to a matter on which the Congress took a very clear position, but which is not in permanent law. Appropriation acts for 1956 through 1959 carried language to limit the circumstances under which the head of a department or agency could require employees to occupy Government housing.

The specific wording last appeared as a part of section 208 of the appropriations act general provisions (Public Law 85-468), as follows: "*Provided further, That, notwithstanding the provisions of any other law, no officer or employee shall be required to occupy any Government-owned quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.*"

Section 208 was dropped on recommendation of the executive branch in the 1960 appropriation acts. The Director of the Budget reported to the Congress at that time (January 30, 1959) that "legislation will be proposed to Congress shortly to clarify the basic laws on this subject and to provide specifically and on a permanent basis" for the issuance of regulations to continue the existing policy. This bill would accomplish that. The protection afforded the employee by the quoted provision would again be placed in the law.

The bill would not otherwise create any new policy, nor would it modify any provisions of law that the Congress has consistently demonstrated it intends to apply. For example, it retains, and even reinforces, the principle that a reasonable value would be placed upon the quarters, facilities, or services which the Government provides, and that reasonable charges would be made to those who receive them. The system of providing public quarters to members of the uniformed services, or allowances provided in lieu of public quarters, would not be changed. The laws authorizing quarters and related services to be provided without charge in foreign countries would remain as they are.

I referred earlier to the changes that appear in S. 1833, as passed in the Senate this year in comparison with the version passed by the House during the sessions of the 87th Congress. There are two of these: Wording has been added in consultation with the General Accounting Office, for the purpose of making certain that the disposition of the proceeds of rents and other charges would not be inadvertently modified. Budgets of the various agencies contemplate a continuation of the present disposition of the receipts. The second change was brought about by the passage of the Overseas Differentials and Allowances Act of September 6, 1960 (5 U.S.C. 3032). That law covered the authority for providing quarters in the Trust Territory of the Pacific, enabling us to remove the reference to the territory as it appeared in the old H.R. 7021.

One final matter. The committee staff has made available to us a committee print dated May 27 which would recast the bill in a style that conforms more closely with that used in other recent legislation. We believe the committee print is an improvement on our earlier version, with one exception. The new draft would remove the Tennessee Valley Authority from coverage of this legislation. We do not believe there is a sound basis for excepting one agency from such Government-wide legislation. We were informed of the TVA's belief

that they have sufficient authority now in this area and that there is no need for their inclusion in this bill. However, we have been unable to learn of any harm that would come to them by their inclusion. In our judgment, Government-wide legislation ought to provide exceptions only where fully justified.

We would be concerned about the rewrite of the bill if it causes further delay in the Senate, which has already passed the bill this year. We have not had any difficulty with the bill since we first proposed it, except for the always crowded calendar. You, of course, are better judges than we of the likelihood of additional Senate action this year. We urge that S. 1833 be favorably considered, either in its original form or its amended form, but we are anxious to obtain enactment this year.

Mr. TILLER. The bill you are considering today was first proposed by the Bureau of the Budget in 1960. It was passed by the Senate that year, but the House did not get to act on it in that Congress. In the succeeding Congress, the House passed a similar bill, but the Senate did not get to act on it. This year, the Senate passed the bill and it is now before the House and your subcommittee for action.

Mr. WALLHAUSER. With this lack of enactments, what is the status of the authority you ask for?

Mr. TILLER. We are not really asking basically for new authority, but to clarify a number of old existing statutes.

There is one provision in the bill which is not presently in the law. It is one on which I think other witnesses will also be testifying that would reenact a provision contained in appropriation acts for 4 successive years. It is a provision that—

no officer or employee shall be required to occupy any Government-owned quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

This provision was dropped from the appropriation acts after the 1959 act on the premise that we would get permanent legislation of the type we are seeking. Therefore, the enactment of this bill will put that provision back into the law. Otherwise, the enactment of the bill will primarily serve to clarify existing law and fill in some gaps, but it will not make any significant change in policy.

Mr. WALLHAUSER. Supposing now you brief for us what the legislation proposes to do.

Mr. TILLER. The proposed legislation will clarify and restate the law pertaining to the provision of quarters and related services for employees which was last contained in a 1928 statute, which is somewhat out of date. The 1928 statute, for example, says that the value of the facilities and services will be considered in fixing the employee's salary rate, which is a rather old-fashioned way of saying it. Now we would say the salary is determined in accordance with the normal compensation laws and the value of the quarters will be deducted from his salary in arriving at take-home pay.

The bill will clarify the applicability of the same principle. When Government provides others with quarters, where necessary, it can charge a reasonable value. This applies in the case of employees of Government contractors who occupy Government quarters at construction sites and other operating situations.

The bill will also provide in the case of quarters occupied by military personnel on a rental basis that the same basic principle of reasonable value will be applied. In all of these cases, we will construe "reasonable value" to mean that the employee should pay through

salary deduction, or otherwise, approximately the same amount as he would pay if he were obtaining quarters privately instead of from the Government. We ought not to make a profit at his expense. He ought not to be subsidized by us. It is also fair as between employees who occupy Government quarters and those who must occupy private quarters. The person in Government quarters ought neither to be charged more than he would pay otherwise, nor should he come off with a better result than the employee who is in nongovernment quarters.

We believe the bill, therefore, will provide a clear statutory basis for providing quarters and for making charges.

One other aspect I should mention is that the bill would authorize the President to issue regulations for the interpretation and enforcement of the principles. This, of course, is similar to provisions contained in the laws pertaining to travel, those pertaining to employee uniforms and a good many other subjects where it is desirable to have Government-wide regulations to provide further interpretation and application of the principle which Congress places in the statute.

The committee staff has furnished us with a committee print showing a possible redrafting of the bill to place the language in a format which more nearly resembles the format now often used for bills of this type. We believe that the committee print is an improvement on our earlier version, with one exception. The new draft would remove the Tennessee Valley Authority from coverage by this legislation. We do not believe there is a sound basis for excepting one agency from such Government-wide legislation. In our judgment, legislation of this type ought to provide exceptions only where they are fully justified.

We would be concerned about the rewrite of the bill if it causes further delay in the Senate, which has already passed the bill this year. We have not had any difficulty with the bill since it was first proposed several years ago except for the always crowded calendar.

You, of course, are better judges than we of the likelihood of additional Senate action this year.

In conclusion, we urge that S. 1833 be favorably considered, either in its original form, or in the amended form suggested by the committee staff, but we are anxious to obtain enactment this year.

Mr. WALLHAUSER. Thank you very much.

Mr. OLSEN. We will now hear from Mr. John A. McCart.

STATEMENT OF JOHN A. McCART, ON BEHALF OF GOVERNMENT EMPLOYEES' COUNCIL, AFL-CIO

Mr. McCART. Mr. Chairman and members of the subcommittee, the Government Employees' Council, representing 27 unions with membership in Federal agencies, desires to express its endorsement of the measure, which is the subject of this hearing.

The primary purposes of the proposal is to perfect and clarify existing laws governing provision of rental quarters, furniture, utilities, subsistence, laundry service, and related services to civilian employees.

Section 4 of S. 1833 is the primary point of interest of our council. It provides that no employee will be required to occupy federally owned or leased quarters, unless the head of an agency determines

that necessary service will be impaired or property cannot be adequately protected.

Similar language appeared in the Supplemental Appropriations Acts of 1953 and 1955. It was incorporated in the General Government Matters Appropriations Acts from 1956 through 1959 also. However, it was not included in the 1960 or 1961 statutes. The Budget Bureau felt agencies were complying well with its Circular No. A-45 governing charges to employees for quarters and other services. Circular No. A-45 contained no reference to the controlling language, which appeared in the earlier appropriations statutes.

During this period when no statutory safeguard existed against forcing employees to occupy Government quarters, workers were required to use military barracks. While there was nothing inherently wrong with the fact that the facilities were military, they were used also by military personnel. Many were in transit from one base to another or were arriving and departing for induction, discharge, or other missions. As a result, the civilian employees were unable to secure the rest necessary to carry on their assigned duties. Despite the fact that the employees objected to such assignments, their jobs required travel to service highly complex radio, radar, and related equipment. They were confronted with a "take it or leave it" attitude.

Prior to these events, the employees involved were permitted to use motels or hotels in the vicinity, and were allowed the regular per diem rate applicable under the travel laws and regulations.

Apparently, the requirement to use military facilities was motivated by a desire to reduce the amount of money spent for civilian travel. Viewed from this standpoint, the funds were conserved at the expense of the civilian workers.

There has been no repetition of these incidents in the recent past. Yet, the fact that they occurred just a few years ago when the controlling language in the appropriation statutes and regulations was temporarily omitted leads to the inescapable conclusion that the policy enunciated in section 4 is essential to safeguard the equities of both military and civilian personnel.

These factors lead us to request favorable action on S. 1833 and to recommend especially retention of section 4 as it now appears in the bill.

The cooperation of the subcommittee in arranging this opportunity to offer our comments is deeply appreciated.

Mr. OLSEN. We will now hear from Mr. George Meagher.

STATEMENT OF GEORGE MEAGHER, ON BEHALF OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. MEAGHER. Mr. Chairman and members of the subcommittee, the bill S. 1833 would correct a situation that has caused inconvenience and hardship for many Federal employees. The change in Government policy it would bring about with respect to provision of quarters for civilian employees of the Federal Government is needed. The AFGE indorses the bill for the inequities it would correct and for the reason that it would benefit the Government as well through increased efficiency.

Many employees who must travel a great deal in the regular performance of their duties are required to occupy Government-owned

or Government-leased quarters. This is true particularly of persons employed by the military departments. Often, such occupancy is intended as an economy measure. In fact, any possible economy is outweighed by the disadvantages on many occasions of the requirement to occupy such quarters under conditions which are not conducive to efficient performance.

It is believed that the bill commends itself for early action by Congress because (1) it would place the use of Government quarters by civilian Federal employees on a more equitable basis; and (2) in separate sessions of Congress essentially the same measure has been approved by both Houses. A similar bill was passed by the Senate in 1960. Complete approval failed because Congress adjourned before the House acted. In 1961, the House passed an almost identical measure but the Senate had not acted before adjournment.

Our approval is given the bill because it would reinstate existing authority to provide rental housing for civilian employees, but particularly because it would reinstate a statutory barrier against forced occupancy of Government rental housing. This prohibition was carried for some years in appropriation acts. It was not so included in recent years in anticipation of permanent legislation such as S. 1833. The language of this bill was contained in the General Government Matters Appropriation Acts for the fiscal years 1956 to 1959, inclusive. It was omitted in 1960 and 1961.

The bill is desirable because it would permit the President to issue regulations to provide a basis for determination of charges for household furniture and equipment, utilities, subsistence, and laundry service, where such items are authorized to be supplied by the Government.

Because of variation in the interpretation of the basic act of March 5, 1928, and to make certain that reasonable value of quarters was charged employees, the Bureau of the Budget in 1951 issued Circular No. A-45 which established certain procedures to make agency practices more uniform and more equitable to both the Government and employees affected. The basic criterion for determining reasonable value for rental purposes was that rents should be comparable to private housing in the same area.

Some of the use of quarters provided by the Government involves highly skilled workers who install and maintain strategically located electronic devices which have a vital function in the program for national defense. There is often little alternative for an employee but to stay in Government quarters, but there are many occasions an employee could obtain satisfactory or more desirable quarters at a nearby motel if it were not for a policy which required him to accept Government accommodations.

Because of the irregular timing of their shifts, these men on electronic maintenance duty are frequently working at the time meals are scheduled by the mess facility where they are quartered. As a result, they cannot eat there. In the case of civilian Air Force employees, there have been instances of inconvenience and hardship when lodged in a barracks or in bachelor officers' quarters. They were awakened frequently during the night as soldiers or flying officers enter or leave the building.

Some of our members have informed our national office that assigned quarters were in many cases inadequate and that heating was often insufficient or badly controlled, and that it was not unusual that only

one bath was available on each floor for the use of all residents on that floor.

Policy with respect to quarters is not uniform throughout the Government service. Even where there is no hard-and-fast rule that Government quarters must be used, there are consequences which later do not redound to the benefit of an employee who refuses to utilize them.

The general policy of the Air Force, for example, is that when an employee travels to a base where quarters are available, unless he is there for training, there is no compulsion to live in Government quarters. Their use is preferred by the agency, but it is not mandatory and no direct punitive action will be taken if an employee exercises his preference for commercially available accommodations.

Note the fact that there will be no "direct" punitive action taken. The fact is, however, that it does the employee no good to decline the quarters at the base, because he is not likely to be sent on a similar mission in the future which in time can well react unfavorably on his work status. It is common practice to call for volunteers and to require employees to indicate in advance their willingness to live in Government quarters if they are available.

A recent Air Force survey indicated that 42 percent of civilian travel had for its destination a base where quarters were available. Sampling was made of nearly 300 travel vouchers at 12 Air Force bases—3 each in 4 principal commands—during a period of 2 to 4 weeks. The average trip was shown to be 6½ days and the average distance varied from about 400 miles by privately owned automobile to about 800 miles if the trip was made by airplane.

It would appear that there is a considerable amount of travel that extends over a week or more. Quarters assume more importance when it is a matter of staying for several days rather than for only one night. Some employees have found the quarters available unsatisfactory largely because so often they are not adapted to extend occupancy.

One letter received at our national headquarters indicated the dissatisfaction of a civilian required to be quartered at a military base:

In many instances, Government quarters are used primarily for military. Civilians must take what is left or second best. We, as civilians, are as loyal and as vitally interested in the welfare of our country as the military; therefore, why discriminate?

Many men are required to make trips that extend as long as 180 days. Inasmuch as these employees spend so much time away from their homes and families, it does seem unfair to penalize them by a mandatory directive to live on base when on temporary duty. Not only must they undergo inconvenience, but also cope with the possibility of lowered efficiency resulting from interruption of their sleep at night and other unsuitable living conditions.

We are convinced that the provisions of S. 1833 should be enacted as permanent legislation. There appears to be no opposition in the executive branch, and on more than one occasion similar proposals were indorsed by the Bureau of the Budget and by the Comptroller General.

Thank you, Mr. Chairman, for giving us an opportunity to express our views.

Mr. OLSEN. Are you in favor of the bill?

Mr. MEAGHER. Yes, sir.

Mr. OLSEN. The AFGE endorses the bill?

Mr. MEAGHER. Yes. We are in favor of this provision which does not require Federal employees to use Government quarters. That provision is in the bill. The committee staff is familiar with some of the stories we have told about Federal employees who have been in this Government housing, particularly in the Air Force. There is the story of some of our members who were on TDY at an Air Force base. They were required to go into bachelor officers' quarters, which was a converted barracks with a partition. Our people went in at 9 or 10 o'clock at night and were sound asleep when in would come the flying officers about 1 or 2 in the morning who, because of their missions, obviously would arrive late. In walking into the quarters with their helmets and flight gear, dropping it around, a few bouncing their helmets off the wall, our people got a little upset and we had a regular donnybrook.

These are the kinds of situations that develop when these fellows are required to stay in quarters which they feel may not be adequate, particularly for short trips of a week or so.

Mr. OLSEN. Thank you very much.

We will now hear from Mr. William H. Ryan.

STATEMENT OF WILLIAM H. RYAN, PRESIDENT, INTERNATIONAL ASSOCIATION OF MACHINISTS, DISTRICT 44

Mr. RYAN. Mr. Chairman and members of the subcommittee, my name is William H. Ryan, and I am president and legislative representative of District 44 of the International Association of Machinists, AFL-CIO; with offices located in suite 811 in the Railway Labor Building, 400 First Street NW., Washington, D.C.

District 44 of the I. A. of M. is composed of affiliated locals of the I. A. of M. whose members are employed by the local activities of various agencies and departments of the Federal Government.

I deeply appreciate the opportunity afforded by this subcommittee to testify in favor of the enactment of the language contained in section 4 of S. 1833.

The language of section 4 is quoted as follows: "No civilian officer, employee, or member of the uniformed services shall be required to occupy Government-owned or leased rental quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise."

With the exception of the language "-or member of the uniformed services"; this language first appeared in section 1413 of the Supplemental Appropriation Act of 1953; and was later carried in section 1312 of the Supplemental Appropriation Act of 1955; and section 208 of the General Government Matters Appropriation Acts of 1956, 1957, 1958 and 1959.

The language was not contained in the General Government Matters Appropriation Acts of 1960 or 1961; because in the opinion of the Bureau of the Budget, the affected agencies at that time were in general compliance with certain other requirements which were contained in Bureau of Budget Circular A-45, dated June 3, 1952.

The language that I am testifying in favor of did not appear in Bureau of Budget Circular No. A-45.

Commencing in 1960, many of our Federal employee members who are skilled technicians and mechanics in the Federal civil service,

while on temporary field trips to service and repair aircraft, missiles and launching mechanisms located at remote military bases were required to occupy substandard living quarters at these bases.

They were, in many instances, required to sleep in barracks billeted by military personnel who were in terminal status en route to other military bases, or being inducted or discharged from the military service. Because of the irregular hours kept by these military personnel, these highly skilled technicians and mechanics were unable to secure sufficient uninterrupted rest and sleep to condition themselves for a day of efficient and exacting work the following day.

Their living conditions at these Government-owned quarters were such that many of them wanted to either resign, or request that they not be given such temporary assignments away from home if they were to be required to utilize such quarters, even on a temporary basis.

It has been the practice when this language was incorporated in the aforementioned appropriation acts to let these skilled technicians and mechanics reside in hotels or motels in the close proximity of the area of their assignment. The standard Government limitation of per diem was operative for this purpose.

Our organization can appreciate that at times the Government agencies may not have the amount of travel funds that they desire; however, we take serious issue with any decision which would jeopardize the living conditions of technicians and mechanics who perform skilled work which directly bears upon the safety of members of our military forces, and the security of our Nation. I feel certain that the members of this subcommittee would not condone an overzealous administrative officer allocating travel per diem funds to favored categories of civilians at the expense of those whose exacting duties require normal uninterrupted rest and sleep.

Early in 1961 when our organization protested the requirement that civilian personnel be required to utilize Government quarters to the Secretary of the Air Force, he wisely agreed, upon investigation of all pertinent facts, that the policy of the Air Force should correlate with the intent and purpose of the language that I am supporting here today.

It is our contention that the Congress and the administrative branch should enact into law the language contained in section 4 of S. 1833; so that administrators will not be permitted to require civilian officers and employees of the United States to occupy Government quarters unless the head of the agency concerned has determined that the necessary service cannot be rendered, or that property of the United States cannot be adequately protected, unless such occupancy is required.

I wish at this time to express the appreciation of our organization for the opportunity to testify on this matter, and I respectfully request in the name of our organization that this language be favorably reported to the House of Representatives.

I shall be pleased to answer any questions that I am qualified to respond to. Thank you.

Mr. WALLHAUSER. I have no questions.

Thank you for appearing, Mr. Ryan.

Mr. OLSEN. Thank you very much, Mr. Ryan.

That concludes the general session.

(Whereupon, at 10 a.m., the subcommittee adjourned.)

LEGISLATIVE HISTORY

Public Law 88-459

S. 1833

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INDEX AND SUMMARY OF S. 1833

- July 2, 1963 Sen. McClellan introduced and discussed S. 1833, which was referred to Senate Government Operations Committee. Print of bill and discussion.
- Jan. 21, 1964 Senate committee voted to report (but did not actually report S. 1833).
- Jan. 22, 1964 Senate committee reported S. 1833 without amendment. S. Report 829. Print of bill and report.
- Jan. 23, 1964 Senate passed S. 1833 without amendment.
- Jan. 27, 1964 S. 1833 was referred to House Post Office and Civil Service Committee. Print of bill as referred.
- June 4, 1964 House committee reported S. 1833 with amendments. H. Report 1459. Print of bill and report.
- June 15, 1964 House passed S. 1833 as reported.
- Aug. 8, 1964 Senate concurred in the House amendments.
- Aug. 20, 1964 Approved: Public Law 88-459.

DIGEST OF PUBLIC LAW 88-459

EMPLOYEE QUARTERS AND FACILITIES.

Restates and clarifies existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for its personnel. Continues the basic authority for the Government to provide quarters and facilities to employees whenever conditions of employment or availability of quarters warrant such action. Requires that rental rates for employees shall be based on the reasonable value of the quarters and facilities. Prohibits the forcing of employees to occupy Government quarters on a rental basis. Authorizes the President to issue regulations governing the provision, occupancy, and availability of quarters and facilities.

88TH CONGRESS
1ST SESSION

S. 1833

IN THE SENATE OF THE UNITED STATES

JULY 2, 1963

Mr. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each department, independent establish-
4 ment, and Government corporation may, under such regula-
5 tion as the President may prescribe and where conditions of
6 employment or availability of quarters warrant it, provide,
7 either directly or by contract, civilian officers and employees
8 stationed in the United States, its territories and possessions,
9 and the Commonwealth of Puerto Rico, with quarters (Gov-

1 ernment owned or leased), household furniture and equip-
2 ment, utilities, subsistence, and laundry service.

3 SEC. 2. Rental rates for any Government owned or
4 leased quarters provided under authority of section 1 of this
5 Act, or occupied on a rental basis under authority of any
6 other provision of law, and charges for any furniture and
7 equipment, utilities, subsistence, and laundry service made
8 available in connection with the occupancy of such quarters,
9 shall be based on the reasonable value thereof to the officer,
10 employee, or member of the uniformed services concerned,
11 in the circumstances under which furnished. Such rates and
12 charges shall be determined in accordance with such regula-
13 tions as the President may prescribe, and the amounts
14 thereof shall be paid by or deducted from the salary of such
15 officer, employee, or member of the uniformed services, or
16 otherwise charged against them: *Provided*, That the
17 amounts of any payroll deductions for such charges shall
18 remain in the applicable appropriation or fund, but when-
19 ever payments are made by any other method the amounts
20 shall be credited to miscellaneous receipts of the Treasury or
21 to such appropriation or fund as may be otherwise provided
22 by law.

23 SEC. 3. Whenever, as an incidental service in support
24 of a Government program, any Government owned or leased
25 quarters, and any related furniture and equipment, utilities,

1 subsistence, and laundry service are provided, under spe-
2 cific Government direction, to any person who is not an offi-
3 cer or employee of the Government or a member of the uni-
4 formed services, the rates and charges therefor, which shall
5 be paid or otherwise credited to the Government, shall be
6 determined in accordance with section 2 of this Act: *Pro-*
7 *vided*, That the amounts of any such charges shall be credited
8 to miscellaneous receipts of the Treasury or to such appro-
9 priation or fund as may be otherwise provided by law.

10 SEC. 4. No civilian officer, employee, or member of the
11 uniformed services shall be required to occupy Government
12 owned or leased rental quarters unless the head of the agency
13 concerned shall determine that necessary service cannot be
14 rendered or property of the United States cannot be ade-
15 quately protected otherwise.

16 SEC. 5. Section 2 of this Act shall not be construed as
17 repealing or modifying any provision of law which may au-
18 thorize the provision, without charge or at specified rates,
19 of any of the items enumerated in section 1 of this Act, to
20 any specific civilian officer or employee, or to any class of
21 such officers or employees, or to such officers or employees
22 under emergency conditions or to members of the uniformed
23 services.

24 SEC. 6. Section 3 of the Act of March 5, 1928 (45 Stat.
25 193 (5 U.S.C. 75a)), is repealed.

A BILL

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

By Mr. McClellan

JULY 2, 1963

Read twice and referred to the Committee on
Government Operations

eral Coal Mine Safety Act of 1952. Serious safety hazards are known to exist in many of these mines—hazards which, until they are removed, will continue to present unnecessary danger to human lives. Although State mine laws and facilities now exist, they are inadequate in alleviating the unsafe conditions in many of the small mines. If the Federal Coal Mine Safety Act were extended to cover the smaller mines, safer working conditions would surely result.

There is no good reason for the existing, arbitrary cutoff point of 14 men. Yet men working in the smaller mines must continue to work under overly hazardous conditions. Since 1952, when the act went into effect, the number of fatalities and the fatality rate per man-hour of exposure has fallen substantially in the larger mines. However, during the same period, the number of fatalities and the fatality rate in the smaller mines has remained approximately the same.

Included in this bill are several procedural safeguards which will protect small mine operators from having to comply with onerous legal requirements:

First. The Director of the Bureau of Mines would be required to issue regulations modifying or making inapplicable any safety requirement of existing law which does not "substantially contribute to the safety" of the men working in the small mines.

Second. Small mine operators would be permitted to appeal directly to the Bureau of Mines or the Coal Mine Safety Board of Review from the finding of violation by a Federal inspector and would not have to wait until a closing order had been issued, as in the case of large mine infractions;

Third. The Federal Coal Mine Safety Board of Review would be required to hear appeals by small mine operators in the county seat of the county in which the mine is located or at another place reasonably convenient to the operator of the mine;

Fourth. Federal inspectors would be prevented from closing a mine employing seven or fewer employees for most violations under the act unless the Federal inspector's finding were concurred in by the State inspector or an independent inspector appointed by a Federal district court of the district in which the mine is located.

All laborers have a right to work under conditions designed to protect their safety. The bill which I propose today would help to provide such conditions for the small mine worker.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1830) to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXTENSION OF THE JURISDICTION OF THE DELAWARE RIVER PORT AUTHORITY

Mr. CLARK. Madam President, on behalf of myself and Senators WILLIAMS of New Jersey, CASE, and SCOTT, I introduce for appropriate reference, a bill which would give consent to a supplemental compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the jurisdiction of the Delaware River Port Authority.

This supplemental compact would increase the jurisdiction of the port authority so that it would have the power to construct, operate, and maintain a bridge for vehicular traffic across the Delaware River at a point between New Jersey and the city of Chester, Pa.

Approval of the supplemental compact in no way passes upon the merits of any design proposed for the bridge. This is a matter upon which local authorities and the U.S. Army Corps of Engineers must agree. It simply grants the power to construct and operate a bridge once all interests have agreed upon a specific structure.

Madam President, the supplemental compact has been agreed to by the legislatures and signed by the Governors of both New Jersey and Pennsylvania. The compact adds to, and in no way diminishes, the previous powers of the Delaware River Port Authority.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1832) granting the consent of Congress to a further supplemental compact or agreement between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, formerly the Delaware River Joint Commission, and for other purposes, introduced by Mr. CLARK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

PROVISION OF CERTAIN FACILITIES TO CIVILIAN OFFICERS AND EMPLOYEES

Mr. McCLELLAN. Madam President, I introduce, at the request of the Bureau of the Budget, a bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States.

This bill would continue the basic authority now granted Government agencies by the act of March 5, 1928 (5 U.S.C. 75a) and it would clarify existing statutory authority for providing of quarters, household furniture and other services to civilian employees of the Government who occupy Government quarters.

In the 86th Congress, an identical bill was reported favorably by the Senate Committee on Government Operations, and that bill was passed by the Senate.

In the 87th Congress, an identical bill was reported by the House Committee on Government Operations, and was passed in the House of Representatives. In these two Congresses, there was a failure to get action in both Houses, although the Senate and the House have passed this legislation in separate Congresses.

Madam President, I ask that the letter from the Director of the Bureau of the Budget addressed to the President of the Senate requesting the introduction and consideration of this proposal, be inserted in the RECORD at this point as a part of my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1833) to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. McCLELLAN is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 13, 1963.

HON. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I have the honor to transmit herewith a proposed bill "to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes."

The purpose of the proposed bill is to restate and clarify existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for its personnel. It is primarily in the nature of perfecting legislation. It is not expected to result in additional costs to the Government, nor in savings, but to standardize and improve rental practices.

Specifically, the bill would:

(a) Restate existing authority to provide rental housing for civilian employees of the Government;

(b) Reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts, and which has not been suggested in recent years in anticipation of permanent legislation such as is being proposed;

(c) Authorize the President to issue regulations for more equitable application of the law relating to rental quarters and related services; and

(d) Clarify the applicability of the law in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

A similar proposal was introduced in the 86th Congress as Senate bill 3486, was reported by the Senate Committee on Government Operations in Report No. 1570, and was passed by the Senate on June 14, 1960. The bill had not been acted upon by the House of Representatives at adjournment.

Subsequently, an identical bill was introduced in the 87th Congress as Senate bill 797, and in the House of Representatives as H.R. 7021. The House Committee on Post Office and Civil Service reported on its bill in report No. 856, and the House of Representatives passed the bill on August 21, 1961. The Senate Committee had not reported the bill at the time of adjournment.

With two minor changes, the legislation now proposed is identical with that approved by both the House and the Senate in the two Congresses. The first change, the addition of language at the end of section 2 and section 3, relates to the need for wording to assure the continuation of present and longstanding practice of crediting rents and proceeds of other services to appropriations. The Comptroller General expressed the view that the earlier proposed wording would remove the authority for retaining in the various appropriations the amounts of rentals and other charges, which are now available to defer the costs of upkeep and service operations involved. Budget estimates have generally been calculated on the assumption that such deductions will continue to be available for these purposes.

The second change is the elimination of the Trust Territory of the Pacific from the proposed coverage of the bill. Since the earlier version was drafted, the enactment of the Overseas Differentials and Allowances Act of September 6, 1960 (5 U.S.C. 3032) has rendered unnecessary the need for coverage of the territory in this bill.

The Bureau of the Budget recommends favorable consideration of this draft bill.

Sincerely,

KERMIT GORDON,
Director.

EXTENSION OF TIME FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS

Mr. McCLELLAN. Madam President, I ask unanimous consent that the Committee on Government Operations may have an extension of time for filing reports concerning last year's work to September 30, 1963.

This extension involves two reports: First, on the Department of Agriculture handling of the pooled cotton allotment transfers of Billie Sol Estes, and second, on the pyramiding of profits and costs in the missile-procurement program. The report concerning the Agriculture Department has been delayed because of the fact that the record will not be complete until the subcommittee hears the testimony of Billie Sol Estes. Until recently, his appearance has been prevented because of pending court trials in which he was a defendant. The subcommittee delayed his appearance, in order not to prejudice the judicial proceedings. This situation no longer prevails, and we hope to be able to schedule his testimony in the near future. The report concerning the missile-procurement program has been delayed because of the heavy workload now being carried by the subcommittee.

On April 1, the Senate granted an extension of time for the filing of these reports and a report about the American Guild of Variety Artists. The latter report was filed a few days ago; but, for the reasons I mentioned, the subcommittee has been unable to complete its work on the other two matters. Therefore, I ask for this additional extension of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILLS

Mr. SCOTT. Madam President, on Wednesday, June 26, the senior Senator from Oregon, Mr. MORSE, introduced two bills, S. 1801 and S. 1802, that deserve consideration of the Senate.

In the day of ever-increasing Federal Executive power, it rests upon the legislative branch of Government to carefully consider all proposals that are directed at the protection of individual rights.

Every individual is guaranteed by the Constitution the right to a speedy trial. Although the Federal Rules of Criminal Procedure, as well as the statute of limitations can be called upon, it might be well for the Senate to study the advisability of additional legislation to further insure that right. One of Senator MORSE's bills would provide the vehicle for such consideration.

With mass communication media and the increased use of "on-the-spot" news coverage, I sometimes fear the trial in a criminal case is no longer restricted to the traditional courtroom with the right of jury. Rather, the results in some cases appear to be based on a mixture of admissible evidence in the courtroom and campaign-like releases outside.

The traditions of Anglo-Saxon justice should not be modernized at the expense of the accused, and the appropriate safeguards relating to the release of information should be studied carefully.

The legal profession, always alert to the needs of justice, should shed interesting and informative light in this area.

Senator MORSE's second bill reveals the concern of some that our system is not without its weaknesses and a study of the need for further protection of the individual should be brought about by its introduction.

Because of my continuing support of legislation directed at individual rights, I ask that my name be added as a cosponsor to these two bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL SPONSOR OF JOINT RESOLUTION

Mr. JAVITS. Madam President, I ask unanimous consent that the name of the Senator from Connecticut [Mr. RIBICOFF] be added to the list of sponsors of Senate Joint Resolution 97, to award a medal to Danny Kaye.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE HEARINGS ON GOLD LEGISLATION

Mr. GRUENING. Madam President, gold—the lure of it and the search for it—has been a cornerstone in the development of the Western civilization. It was gold that lured the Spanish conquistadores to the New World a cen-

tury before the arrival of the Pilgrim Fathers. It was gold that caused so many of our pioneer forefathers to endure the hardships and brave the dangers of our early wilderness, and later to drive on to my own State of Alaska, to win the West.

That was in years past. Yet never at any time in our long history as a nation has gold—and our supply of it—been as crucial to our country and its well-being as it is today. For years now, rarely has a week gone by without one or more of our country's leaders pointing to the alarming, or, more accurately, perilous flight of our gold overseas.

As recently as Friday the distinguished senior Senator from Oregon [Mr. MORSE] stood in this Chamber and, in the course of a speech on another matter, solemnly warned us that as of last Wednesday night—June 26—the Treasury's gold stock stood at \$15,733 million, the lowest level since April 1939.

Yet, Madam President, at the very time when everyone of any responsibility in our country, regardless of his political or economic philosophy, is alarmed at the ever-continuing ebb in our gold supplies, and warns that our country needs gold and more gold, we have abundant sources of gold under our own lands, within our own country. Not only do we have sources of adequate supplies of gold; we also have the miners with the skills, and the energy to mine it.

We need gold; we have gold; we have the men who are ready, willing, and able to produce gold. Yet because of policies inherited from the Hoover depression days, we are unable to produce it. This situation is absurd. It is perilous.

In an effort to find ways and means of rectifying this absurd and perilous dilemma, the Subcommittee on Minerals, Materials, and Fuels, of the Senate Interior Committee, is holding hearings on gold on July 15, 16, and 17. We have before us two bills designed to conserve our reserves of gold and increase our supplies. They are S. 100, introduced by the able Senator from Colorado [Mr. DOMINICK]; and S. 1273, which I introduced on behalf of myself and Senators McGOVERN, BARTLETT, KUCHEL, MUNDT, and BIBLE.

Our subcommittee's inquiry will not by any means be limited to these two bills, however. What we are interested in is finding a way out of the anomalous situation in which we find ourselves—that of needing gold desperately at a time when our once highly-productive gold mines have been closed and are continuing to close as a result of action and inaction by our Government.

Anyone who has any ideas to convey to us about increasing our gold supplies, opening our gold mines, and finding still new deposits of this key metal and commodity will be welcomed at this hearing.

On behalf of the subcommittee, I invite Senators to participate.

NOTICE OF HEARING ON CIVIL RIGHTS LEGISLATION

Mr. METCALF. Mr. President, on behalf of the Committee on the Judiciary

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Jan. 22, 1964
For actions of Jan. 21, 1964
88th-2nd; No. 10

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HIGHLIGHTS: House received President's budget. Several Representatives commended budget. Senate committee approved prolongation of International Sugar Agreement. House received from President supplemental appropriation estimates.

SENATE

1. SUGAR. The Foreign Relations Committee approved the Protocol for the prolongation of the International Sugar Agreement of 1958. p. D29
2. GRANTS-IN-AID. The Government Operations Committee voted to report (but did not actually report) with amendment S. 855, to provide for more effective utilization of certain Federal grants by encouraging better coordinated local review of State and local applications for such grants. p. D30
3. PERSONNEL. The Government Operations Committee voted to report (but did not actually report) ~~H. R. 1959, to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska, and S. 1833, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence and laundry service to civilian officers and employees in certain cases.~~ pp D29-30

civilian officers and employees in certain cases. pp. D29-30

4. PROPERTY; RECORDS. The Government Operations Committee voted to report (but did not actually report) S. 1233, to authorize GSA to enter into contracts for the inspection, maintenance, and repair of fixed equipment in Federal buildings for periods not to exceed five years, and H. R. 4801, to authorize GSA to make certification of facts based upon transferred records. p. D30

HOUSE

2. BUDGET. Received the President's 1965 Budget (H. Doc. 265). pp. 673-81. Attached to this Digest are excerpts from the Budget message and a table showing the budget estimates for this Department for the fiscal year 1965 compared with appropriations and REA and FHA loan authorizations for fiscal year 1964.

Copies of the Budget will be distributed through the agency budget offices. Copies of the Budget will not be available from the Division of Legislative Reporting. A very small reserve supply will be available from the Division of Budget Policies and Operations of this Office, Ext. 5901, to meet extreme and unforeseen emergencies.

Rep. Cannon and others commended the President's Budget. pp. 681-8, 704, 752

6. SOUTH PACIFIC. Concurred in the Senate amendments to H. J. Res. 779, to authorize appropriations relating to U. S. membership in the South Pacific Commission for 1965 and 1966. This bill will now be sent to the President. p. 703

7. LIBRARY SERVICES. Passed with amendment S. 2265, to amend the Library Services Act to increase the Federal assistance for the improvement of public libraries. A similar bill, H. R. 4879, was laid on the table. pp. 704-35

Agreed to the following amendments:

By Rep. Quie, to make the bill effective after June 30, 1964, rather than June 30, 1963. pp. 722-3

A committee amendment, to include D. C. in the provisions of this bill. p. 724

By Rep. Quie, to clarify the coverage of the Act.

Rejected the following amendments:

By Rep. Frelinghuysen, 179 to 183, amendments to extend the Library Services Act to non-rural areas and to strike out proposed new construction programs. pp. 725-31, 732

By Rep. Martin, Nebr., to assure that rural areas would not receive less money to carry on their programs than they received in 1963. p. 731

8. CONSERVATION. Rep. Goodling was appointed as a member of the Migratory Bird Conservation Commission. p. 736
9. STATE GOVERNMENTS. Rep. Cohelan inserted Governor Brown's address urging State Governors to take a more direct voice in policy making at the Federal level and set ground rules for attacking problems on a regional level. pp. 740-3
10. PERSONNEL. Rep. Fascell urged passage of his bill, H. R. 9658, to alleviate certain hardships to employees in the administration of the Federal Employees' Compensation Act, which presently causes an employee to remain without salary or compensation between the time his claim is submitted and the time he

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Jan. 23, 1964
For actions of Jan. 22, 1964
88th-2nd; No. 11

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HIGHLIGHTS: Sen. Aiken expressed opposition to enactment of new wheat, cotton, and dairy legislation. Sen. Carlson urged limitations of meat imports. Sen. Proxmire commended and Sen. Robertson proposed reduction in President's budget. Sen. Mundt proposed free world conference on trade with Communist countries. Sen. Humphrey inserted Secretary Rusk's speech to GTA convention on agricultural trade. Sen. Cooper defended tobacco price support program. House committee voted to report Ozark National Rivers recreation bill. Rep. Cleveland urged FTC not to reduce tariffs on textiles and wool imports. Rep. Harvey introduced and discussed bill to establish Commission on Organization and Operation of the Executive Branch.

SENATE

1. FARM PROGRAM. Sen. Aiken criticized Administration farm programs, stated that it had made mistakes with regard to policy and administration of the cotton, dairy, and wheat programs, and expressed opposition to enactment of new legislation for these programs, stating that "it is not more legislation that our agriculture needs today other than that which is routine in character."
pp. 818-20
2. MEAT IMPORTS. Sen. Carlson urged that we limit the amount of meat imports as a means of protecting the domestic livestock industry and proposed that we "combine quotas and tariffs that will limit imports to the amount needed to satisfy domestic needs." p. 783
3. BUDGET. Received the President's budget message (H. Doc. 265) (p. 763). See

Digest 10 for items of interest.

Sen. Proxmire commended the Budget as "the most exciting and significant budget that we have had in a long time," and stated the format included virtually all of the changes recently proposed by the Statistics Subcommittee of the Joint Economic Committee. pp. 782-3

Sen. Robertson stated the Budget "represents a gratifying move toward fiscal sanity at the Federal level which I am glad to support," suggested that Congress accept every reduction proposed by the President, and suggested further reductions. pp. 776-7

4. FOREIGN TRADE. Sen. Mundt proposed that the President call a free world conference to consider trade relations with Communist countries and inserted an editorial, "Western Nations Should Set Policy on Russian Credit." pp. 784-5
Sen. Humphrey inserted Secretary of State Rusk's address at the annual meeting of the Farmers Union Grain Terminal Association reviewing the importance of agricultural trade in the conduct of our foreign relations. pp. 789-91
5. TOBACCO. Sen. Cooper urged caution in taking any actions affecting tobacco as a result of the Surgeon General's report on smoking and stated he would oppose any proposed legislation to abandon the tobacco program, including price supports. pp. 779-80
6. LEGISLATIVE PROCESS. Continued debate on S. Res. 89, to require germaneness in Senate debate. pp. 817-8, 820-50, 851-9
7. COOPERATIVES; TAXATION. The "Daily Digest" states that the Finance Committee, in its executive consideration of the tax reduction bill, rejected a proposal to include the "text of H. R. 7516, relating to taxation of cooperatives." p. D34
8. ECONOMIC REPORT; BUDGET. Sen. Humphrey commended the President's economic report and budget message and inserted items commending them. pp. 814-6
9. TRANSPORTATION. Sen. Hruska stated that the Midwest has "been plagued by continuing shortages of cars to move agricultural products," commended reports of increased purchases of box cars by the railroads, and urged that ICC be given authority "to fix car rental charges at a level which would encourage the ownership of and maintenance of a national car fleet which would be sufficient to meet business, commerce, and defense needs." pp. 805-6
10. PRICES. Sen. Bartlett reviewed policies in the U. S. and Britain regarding price fixing and inserted two articles on the subject. pp. 788-9
11. FORESTRY. Sen. Anderson submitted an amendment intended to be proposed to S. 1137, to provide for the establishment of the Oregon Dunes National Seashore in Ore. (the area includes national forest lands). pp. 772-3
12. GRANTS-IN-AID. The Government Operations Committee reported with amendments S. 855, to provide for more effective utilization of certain Federal grants by encouraging better coordinated local review of State and local applications for such grants (S. Rept. 821). p. 765
13. PERSONNEL; PROPERTY; RECORDS. The Government Operations Committee reported without amendment the following bills: S. 1833, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to certain Federal employees (S. Rept. 829);

AUTHORIZING GOVERNMENT AGENCIES TO PROVIDE QUARTERS,
HOUSEHOLD FURNITURE AND EQUIPMENT, UTILITIES, SUB-
SISTENCE, AND LAUNDRY SERVICE TO CIVILIAN OFFICERS AND
EMPLOYEES OF THE UNITED STATES, AND FOR OTHER PURPOSES

JANUARY 22, 1964.—Ordered to be printed

Mr. McCLELLAN, from the Committee on Government Operations,
submitted the following

R E P O R T

[To accompany S. 1833]

The Committee on Government Operations, to whom was referred the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, report favorably thereon, without amendment, and recommend that the bill do pass.

PURPOSE

S. 1833, introduced by the chairman of the committee at the request of the Director of the Bureau of the Budget, is designed to clarify existing statutory authority for the providing of quarters, household furniture, etc., to civilian employees of the Government who occupy Government quarters.

S. 1833 is primarily perfecting legislation, based on an official recommendation of the Bureau of the Budget, which would:

(a) Restate existing authority to provide rental housing for civilian employees of the Government;

(b) Reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts;

(c) Authorize the President to issue regulations for more equitable application of the laws relating to rental quarters and related services; and

(d) Clarify the applicability of the laws in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

2 PROVIDE QUARTERS FOR CIVILIAN OFFICERS AND EMPLOYEES

The bill does not authorize any new construction or acquisition of Government quarters, nor does it alter the basic statutory policy that employees should pay a reasonable rate for housing provided them, nor affect special statutes which authorize housing rates or without charge.

BACKGROUND INFORMATION

In the 86th Congress, an almost identical bill (S. 3486) was reported by the Senate Government Operations Committee (S. Rept. 1570) and was passed by the Senate on June 14, 1960. No action was taken in the House.

In the 87th Congress, an almost identical bill, H.R. 7021, was favorably reported, without amendment, by the House Committee on Post Office and Civil Service on August 7, 1961 (H. Rept. 856). The bill passed the House of Representatives on August 21, 1961.

The following analysis of the legislation was prepared by the Bureau of the Budget:

The bill would not authorize any new construction or other acquisition of quarters for any personnel. It would continue the authority, now covered by the act of March 5, 1928 (5 U.S.C. 75a), to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service for civilian employees. It would also provide the basis for fixing rental rates and related charges for rental housing occupied by members of the uniformed services, but it would not change the existing authority to provide quarters and related items to such members. The bill would also apply in those instances (principally involving certain facilities of the Department of Defense and the Atomic Energy Commission) where non-Government personnel—usually contractors' employees—occupy Government quarters.

Section 3 of the act of March 5, 1928 (5 U.S.C. 75a), is the only existing law of general application to civilian employees with respect to providing quarters and fixing rents. It reads as follows:

"The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians."

This law established the equitable principle that the Government should charge employees the reasonable value of quarters and related items furnished to them. However, it does not by its terms apply to those Government quarters which are occupied by members of the uniformed services on a rental basis, nor to those Government quarters which may be occupied by persons who are not employees of the Government. Moreover, it is not specific enough for agencies to independently administer it with reasonable uniformity

since it sets no detailed criteria for establishing rents and it does not expressly provide for Government-wide regulations thereunder. It gives no basis for determining reasonable value, that is, whether based on the commercial rental rates or comparable facilities, on the Government's investment in the quarters, or on other factors.

Considerable variation in the interpretation of this 1928 law, and an evident failure by many agencies to charge their employees with the reasonable value of the quarters, came to the attention of both the Bureau of the Budget, and the General Accounting Office about 10 years ago. As a result, the Bureau of the Budget in 1951 issued its Circular No. A-45, which established certain procedures intended to make the various agency practices uniform and more equitable to both the Government and the employees concerned. This circular prescribed, as the basic criterion for determining reasonable value for rental purposes, that rents should be set at levels similar to those prevailing for comparable private housing located in the same area, after taking into account certain considerations which affect the value of the housing to the recipient, such as isolated location, and instances where an employee might, for the convenience of the Government, have to accept quarters of a size or quality beyond that which he would choose of his own accord. The proposed bill would provide statutory authority for regulations of the type now prescribed by the Bureau of the Budget circular. The procedure contemplated by this bill is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), and the Government Employees Training Act (5 U.S.C. 2301 et seq.).

Since 1928, several other laws have been enacted which authorize rental of quarters of Government personnel. The act of July 2, 1945, as amended (37 U.S.C. 111a), authorized the occupancy of certain quarters on a rental basis by members of the uniformed services who are authorized to continue to receive their basic allowances for quarters. Sections 404(f) and 405 of the act of August 11, 1955, as amended (42 U.S.C. 1594a(f) and 1594b), authorized the occupancy by civilian personnel, on a rental basis, of Capehart housing and Wherry housing acquired by the Government, and occupancy of some Wherry housing by military personnel on that basis. These provisions of law did not specify how the rental rates were to be determined, and the draft bill would provide a basis for such determinations.

Section 407(a) of the act of August 20, 1957 (42 U.S.C. 1594j), authorizes the rental of inadequate public quarters to members of the uniformed services, and provides that such personnel will be paid an adjusted quarters allowance amounting to the net difference between (1) the fair rental value of the inadequate quarters, and (2) their basic allowance for quarters. The section provides that it shall be administered under regulations approved by the President. These regulations have been issued by the heads of the departments concerned, after approval by the Director of

4 PROVIDE QUARTERS FOR CIVILIAN OFFICERS AND EMPLOYEES

the Bureau of the Budget, under a delegation of authority from the President in Executive Order No. 10766, dated May 1, 1958. In addition to setting standards of adequacy, these regulations prescribe methods of setting "fair rental value" on the same basis as required by Budget Circular No. A-45. This bill would permit these housing rentals to be fixed under the proposed Government-wide regulations which the President would be authorized to prescribe.

The bill would also permit the President to issue regulations to provide a similar basis for the determination of charges for household furniture and equipment, utilities, subsistence, and laundry service, where such items are authorized to be supplied by the Government.

The draft bill also contains a prohibition against employees being required to occupy Government rental quarters unless a determination has been made that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. Such a prohibition has appeared in annual appropriation act provisions in recent years.

AGENCY COMMENTS

S. 1833 was cleared with all affected Government agencies by the Bureau of the Budget. Comments from various Government agencies which were addressed to the Senate Government Operations Committee were favorable. The comments of the Bureau of the Budget and the Comptroller General are herewith included for the information of the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 13, 1963.

HON. LYNDON B. JOHNSON,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: I have the honor to transmit herewith a proposed bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

The purpose of the proposed bill is to restate and clarify existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for its personnel. It is primarily in the nature of perfecting legislation. It is not expected to result in additional costs to the Government, nor in savings, but to standardize and improve rental practices.

Specifically, the bill would:

(a) Restate existing authority to provide rental housing for civilian employees of the Government;

(b) Reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts, and which has not been suggested in recent years in anticipation of permanent legislation such as is being proposed;

(c) Authorize the President to issue regulations for more equitable application of the law relating to rental quarters and related services; and

(d) Clarify the applicability of the law in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

A similar proposal was introduced in the 86th Congress as Senate bill, S. 3486, was reported by the Senate Committee on Government Operations in Report 1570, and was passed by the Senate on June 14, 1960. The bill had not been acted upon by the House of Representatives at adjournment.

Subsequently, an identical bill was introduced in the 87th Congress as Senate bill 1797, and in the House of Representatives as H.R. 7021. The House Committee on Post Office and Civil Service reported on its bill in Report 856, and the House of Representatives passed the bill on August 21, 1961. The Senate Committee had not reported the bill at the time of adjournment.

With two minor changes, the legislation now proposed is identical with that approved by both the House and the Senate in the two Congresses. The first change, the addition of language at the end of section 2 and section 3, relates to the need for wording to assure the continuation of present and long-standing practice of crediting rents and proceeds of other services to appropriations. The Comptroller General expressed the view that the earlier proposed wording would remove the authority for retaining in the various appropriations the amounts of rentals and other charges, which are now available to defer the costs of upkeep and service operations involved. Budget estimates have generally been calculated on the assumption that such deductions will continue to be available for these purposes.

The second change is the elimination of the Trust Territory of the Pacific from the proposed coverage of the bill. Since the earlier version was drafted, the enactment of the Overseas Differentials and Allowances Act of September 6, 1960 (5 U.S.C. 3032), has rendered unnecessary the need for coverage of the territory in this bill.

The Bureau of the Budget recommends favorable consideration of this draft bill.

Sincerely,

(Signed) KERMIT GORDON,
Director.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, July 16, 1963.

B-100883

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter dated July 3, 1963, requests our comments on S. 1833.

The bill is designed to clarify existing statutory authority for the providing of quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian employees of the Government who occupy Government quarters. It would continue the basic authority now granted Government agencies by section 3 of the

act of March 5, 1928, 5 U.S.C. 75a. It would also specifically authorize the President to issue regulations prescribing rates to be charged employees for the housing, facilities, and services provided; such rates to be reasonable to the employee. The regulations would also apply to rates charged non-Government personnel who are furnished quarters, etc., as an incidental service in support of a Government program, and to rates charged military personnel who occupy rental quarters.

While it is not clear from the language used, it apparently is not contemplated that the bill would authorize any new construction or acquisition of Government quarters, or alter the basic statutory policy that civilian employees should pay a reasonable rate for housing provided them, or affect special statutes which authorize the furnishing, without charge or at specified rates, of housing, etc. See Senate Report 1570, accompanying S. 3486, 86th Congress, a similar bill.

While we are in general agreement with the purpose of the bill, we should like to offer the following comments:

Bureau of the Budget Circular A-45 which was issued in connection with section 3 of the act of March 5, 1928, enunciates the basic rule of "equivalence"—that rental rates in continental United States should be based on those prevailing for comparable private housing in the same area, with the application of certain modifying factors where appropriate. If it is the intent of the Congress that the principle of equivalence is to be continued as the basis for agencies to establish rentals after enactment of S. 1833, we believe that the bill should be revised to make this intent clear. Our experience with Circular A-45 indicates that in practice, some Government agencies have not been charging rents that are equivalent or comparable with rents charged for private housing in the area. For example, our reviews at hospitals have disclosed that the charges for rent to employees occupying quarters at the Veterans' Administration stations in Los Angeles, Calif., Albuquerque, N. Mex., and Vancouver, Wash., and at the Public Health Service hospital, Norfolk, Va., were lower than local comparable rental rates. Similar findings were noted at other VA stations that maintain quarters and where we compared rates charged by VA with local rates for comparable quarters.

Some of the weaknesses that apparently contributed to the difference in the rents charged for Government quarters and the rents charged for comparable private housing were (1) VA reduces its rental rates in consideration of certain modifying factors that are in addition to those factors set forth by the Bureau of the Budget in Circular A-45, (2) commercial appraisers were not adequately informed as to the Government's policy on the rental of quarters, (3) VA's instructions provide that rental rates for each unit be established on the basis of the lower of two independent appraisals, and (4) there are indications, as for example at Fort Bayard, N. Mex., that rental rates were reduced to facilitate the recruitment of employees. Thus, the question arises as to whether the resultant reduction in rates is not contrary to section 3 of the act of June 20, 1874 (5. U.S.C. 71), which provides that;

"No civil officer of the Government shall on and after June 20, 1874, receive any compensation or perquisites, directly or indirectly,

from the Treasury or property of the United States beyond his salary or compensation allowed by law."

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 5, 1928

(45 Stat. 193; 5 U.S.C. 75a)

【The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.】



Calendar No. 804

88TH CONGRESS
2D SESSION

S. 1833

[Report No. 829]

IN THE SENATE OF THE UNITED STATES

JULY 2, 1963

MR. McCLELLAN (by request) introduced the following bill; which was read twice and referred to the Committee on Government Operations

JANUARY 22, 1964

Reported by Mr. McCLELLAN, without amendment

A BILL

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each department, independent establish-
4 ment, and Government corporation may, under such regula-
5 tion as the President may prescribe and where conditions of
6 employment or availability of quarters warrant it, provide,
7 either directly or by contract, civilian officers and employees
8 stationed in the United States, its territories and possessions,
9 and the Commonwealth of Puerto Rico, with quarters (Gov-

ernment owned or leased), household furniture and equipment, utilities, subsistence, and laundry service.

SEC. 2. Rental rates for any Government owned or leased quarters provided under authority of section 1 of this Act, or occupied on a rental basis under authority of any other provision of law, and charges for any furniture and equipment, utilities, subsistence, and laundry service made available in connection with the occupancy of such quarters, shall be based on the reasonable value thereof to the officer, employee, or member of the uniformed services concerned, in the circumstances under which furnished. Such rates and charges shall be determined in accordance with such regulations as the President may prescribe, and the amounts thereof shall be paid by or deducted from the salary of such officer, employee, or member of the uniformed services, or otherwise charged against them: *Provided*, That the amounts of any payroll deductions for such charges shall remain in the applicable appropriation or fund, but whenever payments are made by any other method the amounts shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 3. Whenever, as an incidental service in support of a Government program, any Government owned or leased quarters, and any related furniture and equipment, utilities,

1 subsistence, and laundry service are provided, under spe-
2 cific Government direction, to any person who is not an offi-
3 cer or employee of the Government or a member of the
4 uniformed services, the rates and charges therefor, which
5 shall be paid or otherwise credited to the Government, shall
6 be determined in accordance with section 2 of this Act: *Pro-*
7 *vided*, That the amounts of any such charges shall be credited
8 to miscellaneous receipts of the Treasury or to such appro-
9 priation or fund as may be otherwise provided by law.

10 SEC. 4. No civilian officer, employee, or member of the
11 uniformed services shall be required to occupy Government
12 owned or leased rental quarters unless the head of the agency
13 concerned shall determine that necessary service cannot be
14 rendered or property of the United States cannot be ade-
15 quately protected otherwise.

16 SEC. 5. Section 2 of this Act shall not be construed as
17 repealing or modifying any provision of law which may au-
18 thorize the provision, without charge or at specified rates,
19 of any of the items enumerated in section 1 of this Act, to
20 any specific civilian officer or employee, or to any class of
21 such officers or employees, or to such officers or employees
22 under emergency conditions or to members of the uniformed
23 services.

24 SEC. 6. Section 3 of the Act of March 5, 1928 (45
25 Stat. 193 (5 U.S.C. 75a)), is repealed.

[Report No. 829]

A BILL

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

By Mr. McCLELLAN

JULY 2, 1963

Read twice and referred to the Committee on Government Operations

JANUARY 22, 1964

Reported without amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued Jan. 24, 1964
For actions of Jan. 23, 1964
88th-2nd; No. 12

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		Wheat sales.....16
		Wool imports.....13

HIGHLIGHTS: Sen. Carlson commended adoption of new wheat grading standards. Sen. McGee urged quotas on wool imports. Sen. McGovern praised and Sen. Miller urged investigation of food-for-peace program. Sen. Miller inserted livestock assoc. resolution favoring quotas on meat imports. Sen. Miller inserted article critical of loan guarantees on wheat sales to Russia. Several Representatives urged action to restrict beef imports. House committee voted to report pesticide labeling bill. Rep. Findley inserted articles criticizing Cooley cotton bill. Rep. Horton introduced and discussed bill to increase dairy industry support of milk promotion and research programs.

HOUSE

- 1. BEEF IMPORTS.** Several Representatives urged action by the executive branch to restrict beef imports and criticized Commerce Secretary Hodges for his statement that farmers should "stop whining" about beef imports and should stress improvements in merchandising. pp. 952-69
- 2. PESTICIDES.** The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 6828 (a clean bill to be introduced), to provide for labeling of economic poisons with registration numbers so as to eliminate registration under protest. p. D41
- 3. RECREATION.** The "Daily Digest" states that it "erroneously stated, on Jan. 22," that the Interior and Insular Affairs Committee voted to report to the House H. R. 1803, to provide for the establishment of the Ozark National Rivers, Mo., recreation area which would include national forest lands, but "actually, the bill was considered with no final action." p. D42

4. APPROPRIATIONS. In addition to the items for this Department in the supplemental appropriation estimates submitted by the President on Jan. 21 (see Digest 10), other items were included as follows: \$60,000,000 for expansion and improvement of vocational education, \$216,204,000 for payments to school districts in areas affected by Federal activities, \$2,000,000 for grants for air pollution control activities, \$55,000,000 for manpower development and training activities of the Department of Labor, \$30,000,000 for unemployment compensation benefits for Federal employees and ex-servicemen, and \$430,000 for compliance activities of the Mexican farm labor program.
5. LEGISLATIVE PROGRAM. Rep. Albert announced that on Tues., Jan. 28, the House will consider H. R. 6041, to amend the Davis-Bacon Act to include fringe benefits in computation of wages of contractors' employees. He also stated that "it is anticipated a rule will be granted on the civil rights bill, and if a rule is granted it is expected it will be brought up not later than Fri., Jan. 31," and that "it is hoped and expected it will be passed before Lincoln's Birthday." p. 933
6. ADJOURNED until Mon., Jan. 27. p. 975

SENATE

7. LEGISLATIVE PROCESS. Agreed to without amendment S. Res. 89, to require that at least three hours of debate each day on the floor of the Senate shall be germane to the pending business. pp. 1001-2, 1004, 1018-27
8. GRANTS-IN-AID. Passed as reported S. 855, to provide for more effective utilization of certain Federal loans or grants to urban areas by encouraging better coordination of local review of State and local applications for such loans and grants. pp. 1034-6
9. RECORDS. Passed without amendment H. R. 4801, to authorize certifying officers of agencies to delegate authority to the Administrator of GSA to make certifications on the basis of records transferred to GSA custody. This bill will now be sent to the President. p. 1039
10. PERSONNEL. Passed without amendment H. R. 1959, to permit the transportation, at Government expense, of privately owned automobiles of Federal employees assigned to duty in Alaska. This bill will now be sent to the President. pp. 1038-9
Passed without amendment S. 1833, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to certain Federal employees who occupy Government quarters. pp. 1039-40
Sen. McGee commended the average Federal employee as "one of the most efficient workers in the world," and inserted a letter commending the service of these employees. pp. 988-9
Sen. Miller inserted and commended an article "throwing the spotlight on solicitation activities of the Democratic National Committee among Government career employees." p. 1016
11. TAXATION. The "Daily Digest" states that the Finance Committee "concluded action on and ordered favorably reported with amendments H. R. 8363, proposed Revenue Act of 1964." p. D40
12. WHEAT GRADING STANDARDS. Sen. Carlson commended this Department for the development and adoption of new wheat grading standards, stating that with the new standards "the U. S. wheat industry will be in a better position to compete in quality markets and to capture an enlarged share of world cash sales." p. 996

expected to drive there in their automobiles and to transport all of their household goods and personal effects.

The basic purpose is to make recruitment and transfer of qualified employees of the Federal service a little easier, and to remove what appear to be inequities in the conditions of employment of those assigned to the State of Alaska. Most Federal workers in Alaska are recruited from among the citizens of that State, but a goodly number must still be sent from the other United States.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 803, House bill 4801.

The motion was agreed to; and the bill (H.R. 4801) to amend subsection 506(d) of the Federal Property and Administrative Services Act of 1949, regarding certification of facts based upon transferred records was considered, ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 828), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would amend section 506(d) of the Federal Property and Administrative Services Act of 1949, as amended, by granting authority to certain Government officials to authorize the Administrator of General Services to certify to facts and make administrative determinations on the basis of information contained in records transferred from their agencies to the General Services Administration.

Under existing authority of law (44 U.S.C. 396) any official of the Government who is authorized to certify to facts on the basis of records in his custody is permitted to continue to certify on the basis of records which he or his predecessor has transferred to the General Services Administration. H.R. 4801 would amend this section of the law so that the Administrator of General Services would be authorized by the agency concerned to certify as to facts and make administrative determinations from the records in his custody.

The Administrator of General Services would be authorized to delegate and authorize redelegation of such authority under the provisions of subsection 505(d) of the Federal Property and Administrative Services Act of 1949.

BACKGROUND

The following explanation and justification for enactment of this bill has been transmitted to the President of the Senate and referred to the committee by letter dated March 4, 1963, from the Administrator of General Services:

"Since the establishment of Federal records centers, large quantities of Federal records have been transferred to these centers. Federal records centers are established and maintained by General Services Administration under statutory authority (64 Stat. 583; 44 U.S.C. 395). These centers now hold over one-third of all Federal records. The volume of requests for certifications has increased correspondingly with the growth of the Federal records centers. Approximately 3 million inquiries regarding records in the custody of the Administrator of General

Services are received at the Federal records centers annually. As a consequence, GSA has found it necessary to staff the centers with competent and professionally trained personnel, who have developed a knowledge and sense of responsibility comparable to that of the personnel of the agencies which created the records. In many instances, GSA personnel at the records centers may be more familiar with the records than currently employed personnel of the record-creating agency, since records center personnel are continuously servicing these records.

"The present method of processing requests for certification provides that records center personnel conduct a search for the records, prepare the legal certification for signature, and transmit the documentation to the designated official in the record-creating agency for signature. This procedure is obviously time consuming and cumbersome. The proposed legislation would permit the record-creating agency to delegate the certifying authority to the Administrator of General Services in those instances where it appears that such action is in the best interest of the United States. Enactment of the legislation would in most cases relieve Federal agencies of a routine and perfunctory function and would eliminate unnecessary duplication of effort.

"As a matter of practice Federal records center personnel are the only individuals who have the necessary certifying knowledge with regard to facts contained in records of defunct agencies which have been transferred to the Federal records centers.

"The enactment of the proposed legislation would not require the expenditures of additional Federal funds. In fact, it would reduce duplication of effort and its enactment should result in economies."

Dr. Wayne C. Grover, Archivist of the United States, recommended enactment of this bill and testified before the House Committee on Government Operations as follows:

"In essence this legislation would permit agencies, if they wished, to delegate certification signing to GSA in addition to certification preparation.

"An example of this is found in 10 U.S.C. 3693 and 8693 in which the Congress has directed the Secretaries of the two Departments of the Armed Forces—Air Force and Army—to issue to veterans under certain conditions certificates of discharge in lieu of lost or destroyed certificates. Only the Secretary under the existing law, or his delegatee in the Department, can sign these at the present time. Our staff in the Military Personnel Records Center at St. Louis prepares between 75,000 and 90,000 of these certificates every year and forwards them to the appropriate service where they are signed by the Secretary's delegatee and dispatched. We believe this is not only a waste of the time of the officer who has to sign them, but it delays the dispatch of the certificate to the veteran.

"In cases like these, a delegation of authority to GSA from the agency that transferred the records would enable us to give service more promptly and economically than is now possible. In every case, of course, the transferring agency will have the final say as to what types of certifications and determinations it wishes to delegate. But we believe these agencies will be as willing as we are to eliminate unnecessary delays and paper shuffling as we are."

Dr. Grover also suggested that delegation of this authority would be at the discretion of the officials having the original custody of the records, and would not alter the legal efficiency of the certifications or administrative determinations as otherwise provided for by statute.

Enactment of an identical bill, S. 1234, introduced in the Senate at the request of the Administrator of General Services, was

recommended by the Bureau of the Budget, Department of the Navy for the Department of Defense, and the sponsoring agency.

AUTHORIZATION FOR GOVERNMENT AGENCIES TO PROVIDE CERTAIN SERVICES TO OFFICERS AND EMPLOYEES OF THE UNITED STATES

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 804, Senate bill 1833.

The motion was agreed to; and the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of each department, independent establishment, and Government corporation may, under such regulation as the President may prescribe and where conditions of employment or availability of quarters warrant it, provide, either directly or by contract, civilian officers and employees stationed in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, with quarters (Government owned or leased), household furniture and equipment, utilities, subsistence, and laundry service.

SEC. 2. Rental rates for any Government owned or leased quarters provided under authority of section 1 of this Act, or occupied on a rental basis under authority of any other provision of law, and charges for any furniture and equipment, utilities, subsistence, and laundry service made available in connection with the occupancy of such quarters, shall be based on the reasonable value thereof to the officer, employee, or member of the uniformed services concerned, in the circumstances under which furnished. Such rates and charges shall be determined in accordance with such regulations as the President may prescribe, and the amounts thereof shall be paid by or deducted from the salary of such officer, employee, or member of the uniformed services, or otherwise charged against them: *Provided*, That the amounts of any payroll deductions for such charges shall remain in the applicable appropriation or fund, but whenever payments are made by any other method the amounts shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 3. Whenever, as an incidental service in support of a Government program, any Government owned or leased quarters, and any related furniture and equipment, utilities, subsistence, and laundry service are provided, under specific Government direction, to any person who is not an officer or employee of the Government or a member of the uniformed services, the rates and charges therefor, which shall be paid or otherwise credited to the Government, shall be determined in accordance with section 2 of this Act: *Provided*, That the amounts of any such charges shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 4. No civilian officer, employee, or member of the uniformed services shall be required to occupy Government owned or leased rental quarters unless the head of the agency concerned shall determine that neces-

sary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

SEC. 5. Section 2 of this Act shall not be construed as repealing or modifying any provision of law which may authorize the provision, without charge or at specified rates, of any of the items enumerated in section 1 of this Act, to any specific civilian officer or employee, or to any class of such officers or employees, or to such officers or employees under emergency conditions or to members of the uniformed services.

SEC. 6. Section 3 of the Act of March 5, 1928 (45 Stat. 193 (5 U.S.C. 75a)), is repealed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 829), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 1833, introduced by the chairman of the committee at the request of the Director of the Bureau of the Budget, is designed to clarify existing statutory authority for the providing of quarters, household furniture, etc., to civilian employees of the Government who occupy Government quarters.

S. 1833 is primarily perfecting legislation, based on an official recommendation of the Bureau of the Budget, which would:

(a) Restate existing authority to provide rental housing for civilian employees of the Government;

(b) Reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts;

(c) Authorize the President to issue regulations for more equitable application of the laws relating to rental quarters and related services; and

(d) Clarify the applicability of the laws in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

The bill does not authorize any new construction or acquisition of Government quarters, nor does it alter the basic statutory policy that employees should pay a reasonable rate for housing provided them, nor affect special statutes which authorize housing rates or without charge.

BACKGROUND INFORMATION

In the 86th Congress, an almost identical bill (S. 3486) was reported by the Senate Government Operations Committee (S. Rept. 1570) and was passed by the Senate on June 14, 1960. No action was taken in the House.

In the 87th Congress, an almost identical bill, H.R. 7021, was favorably reported, without amendment, by the House Committee on Post Office and Civil Service on August 7, 1961 (H. Rept. 856). The bill passed the House of Representatives on August 21, 1961.

The following analysis of the legislation was prepared by the Bureau of the Budget:

"The bill would not authorize any new construction or other acquisition of quarters for any personnel. It would continue the authority, now covered by the act of March 5, 1928 (5 U.S.C. 75a), to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service for civilian employees. It would also provide the basis for fixing rental rates and related charges for rental housing occupied by members of the uniformed services, but it would not change the existing authority to provide quarters and related items to such members. The bill would also apply in those instances (principally involving certain facilities of the Department of Defense and

the Atomic Energy Commission) where non-Government personnel—usually contractors' employees—occupy Government quarters.

"Section 3 of the act of March 5, 1928 (5 U.S.C. 75a), is the only existing law of general application to civilian employees with respect to providing quarters and fixing rents. It reads as follows:

"The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians."

"This law established the equitable principle that the Government should charge employees the reasonable value of quarters and related items furnished to them. However, it does not by its terms apply to those Government quarters which are occupied by members of the uniformed services on a rental basis, nor to those Government quarters which may be occupied by persons who are not employees of the Government. Moreover, it is not specific enough for agencies to independently administer it with reasonable uniformity since it sets no detailed criteria for establishing rents and it does not expressly provide for Government-wide regulations thereunder. It gives no basis for determining reasonable value, that is, whether based on the commercial rental rates or comparable facilities, on the Government's investment in the quarters, or on other factors.

"Considerable variation in the interpretation of this 1928 law, and an evident failure by many agencies to charge their employees with the reasonable value of the quarters, came to the attention of both the Bureau of the Budget, and the General Accounting Office about 10 years ago. As a result, the Bureau of the Budget in 1951 issued its Circular No. A-45, which established certain procedures intended to make the various agency practices uniform and more equitable to both the Government and the employees concerned. This circular prescribed, as the basic criterion for determining reasonable value for rental purposes, that rents should be set at levels similar to those prevailing for comparable private housing located in the same area, after taking into account certain considerations which affect the value of the housing to the recipient, such as isolated location, and instances where an employee might, for the convenience of the Government, have to accept quarters of a size or quality beyond that which he would choose of his own accord. The proposed bill would provide statutory authority for regulations of the type now prescribed by the Bureau of the Budget circular. The procedure contemplated by this bill is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), and the Government Employees Training Act (5 U.S.C. 2301 et seq.).

"Since 1928, several other laws have been enacted which authorize rental quarters of Government personnel. The act of July 2, 1945, as amended (37 U.S.C. 111a), authorized the occupancy of certain quarters on a rental basis by members of the uniformed services who are authorized to continue to receive their basic allowances for quarters. Sections 404(f) and 405 of the act of August 11, 1955, as amended (42 U.S.C. 1594a(f) and 1594b), authorized the occupancy by civilian personnel, on a rental basis, of Capehart housing and Wherry housing acquired by the Government, and occupancy of some Wherry

housing by military personnel on that basis. These provisions of law did not specify how the rental rates were to be determined, and the draft bill would provide a basis for such determinations.

"Section 407(a) of the act of August 20, 1957 (42 U.S.C. 1594j), authorizes the rental of inadequate public quarters to members of the uniformed services, and provides that such personnel will be paid an adjusted quarters allowance amounting to the net difference between (1) the fair rental value of the inadequate quarters, and (2) their basic allowance for quarters. The section provides that it shall be administered under regulations approved by the President. These regulations have been issued by the heads of the departments concerned, after approval by the Director of the Bureau of the Budget, under a delegation of authority from the President in Executive Order No. 10766, dated May 1, 1958. In addition to setting standards of adequacy, these regulations prescribe methods of setting 'fair rental value' on the same basis as required by Budget Circular No. A-45. This bill would permit these housing rentals to be fixed under the proposed Government-wide regulations which the President would be authorized to prescribe.

"The bill would also permit the President to issue regulations to provide a similar basis for the determination of charges for household furniture and equipment, utilities, subsistence, and laundry service, where such items are authorized to be supplied by the Government.

"The draft bill also contains a prohibition against employees being required to occupy Government rental quarters unless a determination has been made that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. Such a prohibition has appeared in annual appropriation act provisions in recent years."

CAPITAL GAINS—ONE OF THE BIGGEST LOOPHOLES OF THEM ALL

Mr. DOUGLAS. Mr. President, section 1(a) of the Internal Revenue Code sets forth the individual income tax rates now in effect in the United States, ranging, of course, from 20 percent to a high of 91 percent. The casual observer, looking at section 1(a), would naturally conclude that ours is a highly progressive tax system, effectively redistributing income by imposing severe taxes on the very wealthy. He would surmise, with a bit of calculation, that a person in the \$50,000 to \$100,000 income range would pay about 60 percent of his income in taxes; that a person in the \$500,000 to \$1 million range would pay nearly 89 percent of his income to the Government, and that those with incomes of more than \$5 million would pay nearly 91 percent to the Treasury.

DIFFERENCE BETWEEN STATUTORY RATES AND REALITY

Such a casual observer, however, is in for a rude awakening. In actual fact, for the average person in the \$50,000 to \$100,000 range, his taxes amount not to 60 percent but to just over 31 percent of his income—half what the rates schedules seem to call for. For those in the \$500,000 to \$1 million group, taxes do not amount to 89 percent, but in practice on the average to just 31 percent—about a third of what the rate schedule apparently provides. And for the lucky 37 taxpayers with incomes of over \$5 million, the discrepancy is even greater. In

88TH CONGRESS
2D SESSION

S. 1833

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1964

Referred to the Committee on Post Office and Civil Service

AN ACT

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of each department, independent establish-
4 ment, and Government corporation may, under such regula-
5 tion as the President may prescribe and where conditions
6 of employment or availability of quarters warrant it, provide,
7 either directly or by contract, civilian officers and employees
8 stationed in the United States, its territories and possessions,
9 and the Commonwealth of Puerto Rico, with quarters (Gov-

1 ernment owned or leased), household furniture and equip-
2 ment, utilities, subsistence, and laundry service.

3 SEC. 2. Rental rates for any Government owned or
4 leased quarters provided under authority of section 1 of this
5 Act, or occupied on a rental basis under authority of any
6 other provision of law, and charges for any furniture and
7 equipment, utilities, subsistence, and laundry service made
8 available in connection with the occupancy of such quarters,
9 shall be based on the reasonable value thereof to the officer,
10 employee, or member of the uniformed services concerned,
11 in the circumstances under which furnished. Such rates and
12 charges shall be determined in accordance with such regula-
13 tions as the President may prescribe, and the amounts
14 thereof shall be paid by or deducted from the salary of such
15 officer, employee, or member of the uniformed services, or
16 otherwise charged against them: *Provided*, That the
17 amounts of any payroll deductions for such charges shall
18 remain in the applicable appropriation or fund, but when-
19 ever payments are made by any other method the amounts
20 shall be credited to miscellaneous receipts of the Treasury or
21 to such appropriation or fund as may be otherwise provided
22 by law.

23 SEC. 3. Whenever, as an incidental service in support

1 of a Government program, any Government owned or leased
2 quarters, and any related furniture and equipment, utilities,
3 subsistence, and laundry service are provided, under spe-
4 cific Government direction, to any person who is not an offi-
5 cer or employee of the Government or a member of the
6 uniformed services, the rates and charges therefor, which
7 shall be paid or otherwise credited to the Government, shall
8 be determined in accordance with section 2 of this Act: *Pro-*
9 *vided*, That the amounts of any such charges shall be credited
10 to miscellaneous receipts of the Treasury or to such appro-
11 priation or fund as may be otherwise provided by law.

12 SEC. 4. No civilian officer, employee, or member of the
13 uniformed services shall be required to occupy Government
14 owned or leased rental quarters unless the head of the agency
15 concerned shall determine that necessary service cannot be
16 rendered or property of the United States cannot be ade-
17 quately protected otherwise.

18 SEC. 5. Section 2 of this Act shall not be construed as
19 repealing or modifying any provision of law which may au-
20 thorize the provision, without charge or at specified rates,
21 of any of the items enumerated in section 1 of this Act, to
22 any specific civilian officer or employee, or to any class of
23 such officers or employees, or to such officers or employees

1 under emergency conditions or to members of the uniformed
2 services.

3 SEC. 6. Section 3 of the Act of March 5, 1928 (45
4 Stat. 193 (5 U.S.C. 75a)), is repealed.

Passed the Senate January 23, 1964.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

JANUARY 27, 1964

Referred to the Committee on Post Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 5, 1964

For actions of June 4, 1964

88th-2nd, No. 111

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HIGHLIGHTS: Both Houses agreed to conference report on deficiency appropriation bill. House passed food marketing study bill. House committee reported public debt increase bill. Rep. Shriver stated beef imports hurting both beef and dairy producers. Rep. Cramer criticized public works acceleration program. Senate committee reported bill to extend Reorganization Act.

HOUSE

1. DEFICIENCY APPROPRIATION BILL, 1964. Both Houses agreed to the conference report on this bill, H. R. 11201, and acted on amendments in disagreement (pp. 12265-70, 12310-3). This bill will now be sent to the President. Concurred in amendments providing \$4 million (instead of \$5 million as originally proposed by the Senate) for ASCS emergency conservation measures and providing \$650,000 for the Forest Service for repair and replacement of recreational facilities and other structural improvements damaged by the Alaskan earthquake. See Digest 110 for a summary of other items of interest to this Department.
2. FOOD MARKETING. Passed with amendments S. J. Res. 71, to provide for the establishment of a bipartisan National Commission on Food Marketing of 15 members to make a study of the food industry from the farmer to the consumer (pp. 12313-34). A similar resolution, H. J. Res. 977, was tabled (p. 12334).

House conferees were appointed (p. 12334). Senate conferees have not yet been appointed.

Agreed to the following amendments:

By Rep. Hoeven, to provide that the Commission (rather than the Chairman) shall approve the employment and fix the compensation of personnel of the Commission. pp. 12327-8

By Rep. Findley, to provide that the study shall include the effect of imported food on U. S. producers, processors, and consumers. p. 12333

By Rep. Smith, Calif., to provide that the study shall include the effectiveness of the dissemination of market news. p. 12333

Rejected an amendment by Rep. Hoeven, by a vote of 76 to 94, to reduce the authorization for the study from \$1,500,000 to \$500,000. pp. 12328-32

3. PUBLIC DEBT. The Ways and Means Committee reported without amendment H. R. 11375, to increase the temporary public debt ceiling to \$324 billion from the date of enactment of the bill until June 30, 1965 (H. Rept. 1463). p. 12349
4. TAXATION. The Ways and Means Committee reported without amendment H. R. 11376, to provide a 1-year extension of certain excise-tax rates (H. Rept. 1464). p. 12349

5. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 1833, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence and laundry service to certain Federal employees occupying Government quarters (H. Rept. 1459). p. 12349

The Post Office and Civil Service Committee submitted a report on a study of manpower utilization in financial management functions in the Defense Department (H. Rept. 1460). p. 12349

6. RECLAMATION. The Subcommittee on Irrigation and Reclamation of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 2411, to authorize the Secretary of the Interior to construct the Auburn-Folsom south unit, American River division, Central Valley project, Calif. p. D441
7. BEEF IMPORTS. Rep. Shriver stated and inserted items contending that beef imports adversely affect both beef and dairy producers on the basis that imported beef competes directly with low grade beef of domestic dairy animals, and he urged enactment of legislation to restrict beef imports. pp. 12342-3.
8. PUBLIC WORKS. Rep. Cramer inserted a report of GAO to Congress, "Overstatement of Number of Jobs Created Under the Accelerated Public Works Program, Area Redevelopment Administration," and stated the report "shows conclusively that pump-priming through public works projects is not the answer with respect to unemployment and as a sound means toward the creation of new jobs." pp. 12339-42
9. POVERTY. Rep. Taft inserted a summary table of appropriations for fiscal year 1964 for Federal programs currently operating to combat poverty, including a listing of programs of this Department. p. 12343

QUARTERS AND FACILITIES FOR GOVERNMENT PERSONNEL

JUNE 4, 1964.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

MR. OLSEN of Montana, from the Committee on Post Office and Civil
Service, submitted the following

R E P O R T

[To accompany S. 1833]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

A M E N D M E N T S

The committee proposes two amendments to S. 1833—an amendment to the text and an amendment to the title.

A M E N D M E N T T O T H E T E X T

The amendment to the text strikes out all after the enacting clause and inserts new matter set forth in italic type in S. 1833 as reported to the House. This amendment, which makes technical and clarifying changes in the text of S. 1833, as passed the Senate, has the same coverage and application, embodies the same policies, and is to the same substantive effect, as the text of S. 1833, as passed the Senate, except in two respects.

First, the Senate version is effective on the date of enactment of S. 1833. The House version is effective on the 60th day following the date of enactment of S. 1833. The purpose of this substantive change is to insure that sufficient time is provided to the executive branch to establish, in an orderly and efficient manner, the new quarters and facilities system provided for by the bill.

Second, the House version specifically provides that the bill does not apply to the Tennessee Valley Authority, which, by reason of the nature of such agency, should have the freedom to apply and adapt its own quarters and facilities system on an individual agency basis.

A detailed explanation of this amendment is included in this report under the "Sectional Analysis of Amendment to S. 1833."

AMENDMENT TO THE TITLE

The amendment to the title of the bill is as follows:
Amend the title so as to read:

An act to authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes.

The purpose of this amendment to the title is to provide a title for S. 1833 which will accurately reflect the amendment proposed by the committee to the text of the bill.

PURPOSE

It is the purpose of S. 1833 to restate and clarify existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for Government personnel.

STATEMENT

S. 1833 is primarily perfecting legislation, based on an official recommendation of the Bureau of the Budget, which would:

- (a) restate existing authority to provide rental housing for civilian employees of the Government;
- (b) reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts;
- (c) authorize the President to issue regulations for more equitable application of the laws relating to rental quarters and related services; and
- (d) clarify the applicability of the laws in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing.

BACKGROUND AND GENERAL EXPLANATION

The bill would not authorize any new construction or other acquisition of quarters for any personnel. It would continue the authority, now covered by the act of March 5, 1928 (5 U.S.C. 75a), to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service for civilian employees. It would also provide the basis for fixing rental rates and related charges for rental housing occupied by members of the uniformed services, but it would not change the existing authority to provide quarters and related items to such members. The bill would also apply in those instances (principally involving certain facilities of the Department of Defense and the Atomic Energy Commission) where non-Government per-

sonnel—usually contractors' employees—occupy Government quarters.

Section 3 of the act of March 5, 1928 (5 U.S.C. 75a), is the only existing law of general application to civilian employees with respect to providing quarters and fixing rents. It reads as follows:

The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations of the character used before March 5, 1928, for such purposes are made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.

This law established the equitable principle that the Government should charge employees the reasonable value of quarters and related items furnished to them. However, it does not by its terms apply to those Government quarters which are occupied by members of the uniformed services on a rental basis, nor to those Government quarters which may be occupied by persons who are not employees of the Government. Moreover, it is not specific enough for agencies to independently administer it with reasonable uniformity since it sets no detailed criteria for establishing rents and it does not expressly provide for Government-wide regulations thereunder. It gives no basis for determining reasonable value, that is, whether based on the commercial rental rates or comparable facilities, on the Government's investment in the quarters, or on other factors.

Considerable variation in the interpretation of this 1928 law, and an evident failure by many agencies to charge their employees with the reasonable value of the quarters, came to the attention of both the Bureau of the Budget, and the General Accounting Office about 10 years ago. As a result, the Bureau of the Budget in 1951 issued its Circular No. A-45, which established certain procedures intended to make the various agency practices uniform and more equitable to both the Government and the employees concerned. This circular prescribed, as the basic criterion for determining reasonable value for rental purposes, that rents should be set at levels similar to those prevailing for comparable private housing located in the same area, after taking into account certain considerations which affect the value of the housing to the recipient, such as isolated location, and instances where an employee might, for the convenience of the Government, have to accept quarters of a size or quality beyond that which he would choose of his own accord. The proposed bill would provide statutory authority for regulations of the type now prescribed by the Bureau of the Budget circular. The procedure contemplated by this bill is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842), and the Government Employees Training Act (5 U.S.C. 2301 et seq.).

Since 1928, several other laws have been enacted which authorize rental of quarters to Government personnel. The act of July 2, 1945, as amended (37 U.S.C. 111a), authorized the occupancy of certain

quarters on a rental basis by members of the uniformed services who are authorized to continue to receive their basic allowances for quarters. Sections 404(f) and 405 of the act of August 11, 1955, as amended (42 U.S.C. 1594a(f) and 1594b), authorized the occupancy by civilian personnel, on a rental basis, of Capehart housing and Wherry housing acquired by the Government, and occupancy of some Wherry housing by military personnel on that basis. These provisions of law did not specify how the rental rates were to be determined, and the draft bill would provide a basis for such determinations.

Section 407(a) of the act of August 20, 1957 (42 U.S.C. 1594j), authorizes the rental of inadequate public quarters to members of the uniformed services, and provides that such personnel will be paid an adjusted quarters allowance amounting to the net difference between (1) the fair rental value of the inadequate quarters, and (2) their basic allowance for quarters. The section provides that it shall be administered under regulations approved by the President. These regulations have been issued by the heads of the departments concerned, after approval by the Director of the Bureau of the Budget, under a delegation of authority from the President in Executive Order No. 10766, dated May 1, 1958. In addition to setting standards of adequacy, these regulations prescribe methods of setting "fair rental value" on the same basis as required by Budget Circular No. A-45. The bill would permit these housing rentals to be fixed under the proposed Government-wide regulations which the President would be authorized to prescribe.

The bill would also permit the President to issue regulations to provide a similar basis for the determination of charges for household furniture and equipment, utilities, subsistence, and laundry service, where such items are authorized to be supplied by the Government.

The draft bill also contains a prohibition against employees being required to occupy Government rental quarters unless a determination has been made that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise. Such a prohibition has appeared in annual appropriation act provisions in recent years.

SECTIONAL ANALYSIS OF AMENDMENT TO S. 1833

The first section of the bill provides definitions of certain terms for purposes of the bill

Paragraph (1) defines the term "Government" to mean the Government of the United States of America.

Paragraph (2) defines the term "agency" to include the General Accounting Office and each department, agency, or independent establishment in the executive branch, and each corporation owned or controlled by the Government, except the Tennessee Valley Authority.

Paragraph (3) defines the term "employee" to include a civilian officer or employee of an agency as defined in paragraph (2).

Paragraph (4) defines "United States" as the several States, the District of Columbia, the territories and possessions, and the Commonwealth of Puerto Rico. It should be noted that employees having a permanent station in foreign countries are not covered, as such employees may be furnished, without cost to them, living quarters and facilities under another provision of law (5 U.S.C. 118a).

Paragraph (5) defines "quarters" as quarters owned or leased by the Government.

Paragraph (6) defines "facilities" to mean household furniture and equipment, garage space, utilities, subsistence, and laundry service. These are the same items as are now being furnished under existing law. However, "garage space" is included specifically so as to remove any doubt that garage space can be furnished, in view of the specific provision of law for one agency to furnish garage space. Such provision authorizes the Veterans' Administration to furnish garage space at Veterans' Administration hospitals and domiciliaries (38 U.S.C. 5004).

Section 2 will continue the basic authority now granted by the act of March 5, 1928 (5 U.S.C. 75a), to provide "quarters" and "facilities", as those terms are defined in the first section, whenever conditions of employment or availability of quarters warrant such action. As indicated above, the quarters may be Government-owned or Government-leased.

The authority under section 2 to furnish quarters and facilities on a rental basis extends only to civilian employees. There are several other laws which authorize quarters to be furnished on a rental basis to Government personnel, including members of the uniformed services. The act of July 2, 1945, as amended (37 U.S.C. 111a), authorizes the occupancy of certain quarters on a rental basis by members of the uniformed services. Sections (404(f) and 405 of the act of August 11, 1955, as amended (42 U.S.C. 1594a(f) and 1594b), authorize the occupancy by civilian personnel on a rental basis of Capehart housing and Wherry housing acquired by the Government, and occupancy of some Wherry housing by military personnel on a rental basis. Section 407(a) of the act of August 20, 1957 (42 U.S.C. 1594j), authorizes the rental of certain public quarters to members of the uniformed services.

Section 3 requires that rates for rental of quarters and charges for facilities shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in circumstances under which the quarters and facilities are provided, occupied, or made available. This requirement for fixing rates and charges is intended to apply whether the quarters and facilities are furnished civilian employees under the authority of section 2 of this bill, or to civilian employees or members of the uniformed services under any other statutory authority. This provision and the provisions of section 6 will have the effect of superseding existing provisions of law relating to authority to fix the rates and charges for quarters or facilities for such employees or members of the uniformed services.

Section 3 also will continue as a matter of law the equitable principle that the Government should charge its employees the "reasonable value" of quarters and related items furnished to them. It is expected that the "reasonable value" of the rental rates and charges will be determined by the rule of "equivalence" when practical—that rent should be set at levels equal to those prevailing for comparable private housing located in the same area, after taking into account those considerations which reduce the value of the housing to the recipient, such as isolated location and instances where an employee might, for the convenience of the Government, be placed in quarters of a

size or quality beyond that which he would choose of his own accord. Where comparable facilities are not available to make possible the rule of equivalence, it is expected that the regulations will provide for other methods of determining the reasonable value.

This section would also permit the rentals to be collected either by payroll deductions, as it most common, or by cash payments or other methods where appropriate.

The amount of payroll deductions shall remain in the applicable appropriation or fund, but whenever payment of such rates and charges is made by any other method, such as by payment in cash, the amounts of the payment shall be credited to the Government as otherwise provide by law. In most cases, such cash payments would go to the general fund of the Treasury, or to a revolving fund or appropriation from which the expenses of the operation involved are paid.

Section 4 would extend the concept of reasonable value to those cases where quarters or services are furnished to employees of Government contractors as an incident to the carrying on of a Government program. While it is not the general policy to house contractor employees in Government quarters, there are cases where no other quarters are available within reasonable distance of the site where the work must be performed and it is to the advantage of the Government as well as the employees to provide for such housing. There is at present no clear-cut statutory basis for determining the charges in that event.

Section 5 restates the prohibition against forcing employees to occupy Government quarters on a rental basis. It continues the prohibition previously stated in appropriation acts and includes an exception for cases where the head of the agency determines that necessary service cannot be rendered or property of the United States cannot adequately be protected otherwise. The section differs from the earlier appropriation acts in two respects. First, it is broader, in that it affords members of the uniformed services who occupy quarters on a rental basis the same protection as civilian employees have against being required to occupy rental quarters (which, in the case of rental quarters for the military, are frequently inadequate) against their will. This does not in any way interfere with the authority to require military personnel to live in free "public quarters" in accordance with the normal military practice. Second, section 5 is applicable to all quarters for which the occupants are charged a rental (whether Government-owned or Government-leased), but is not applicable to free quarters. Section 5 would not apply to quarters for civilian employees having permanent stations in foreign countries, since such quarters are furnished without cost under title 5, United States Code, section 118a.

Section 6 authorizes the President to issue regulations governing the provision, occupancy, and availability of quarters and facilities. The Presidential regulations also will govern the determination of rates and charges for the quarters and facilities. In addition, the head of each agency may prescribe such regulations not inconsistent with the regulations of the President, as may be necessary to carry out the functions of his agency.

It is intended that the authority under section 6 for the President to issue regulations will assure more uniform and equitable application, in all agencies covered by the bill, of the occupancy of the quarters

and the furnishing of facilities. The regulations will provide a standard method for the determination of the rates and charges to be made for the quarters and facilities.

This authority of the President to issue standardized regulations controlling the occupancy and the rates and charges, combined with the provisions of section 3, will apply regardless of whether the quarters are occupied by civilian employees under section 2, by civilian employees or members of the uniformed services under other statutory authority, or by employees of Government contractors as contemplated by section 4 of the bill.

This provision, when read in connection with the provisions of section 3, will have the effect of superseding existing provisions of law relating to authority to fix the rates and charges for quarters and facilities occupied by such employees or members of the uniformed services.

The use of Presidential regulations is similar to that provided in other statutes dealing with employee allowances and benefits, such as the Travel Expense Act of 1949 (5 U.S.C. 835-842) and the Government Employees' Training Act (5 U.S.C. 2301 et seq.). Presidential regulations provide the most practical way of seeking a more uniform implementation of the statute and of allowing for necessary adjustments of details within the general principles set forth in the statute.

Section 7 preserves any specific provisions of law which may authorize the providing, without charge or at specified rates, of quarters or other services. It keeps this legislation from disturbing the provisions of law relating to free quarters in foreign countries and "public quarters" of the uniformed services. It preserves any particular exemptions from the reasonable value rule that may have been enacted by Congress for specific officers or employees or groups thereof. It also continues a necessary emergency clause in the event of temporary occupancy in the case of disasters and other such occurrences.

Section 8 repeals the obsolete provisions of section 3 of the act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a).

Section 9 provides that this legislation will become effective on the 60th day after date of enactment.

COST

This legislation will result in no additional cost to the Government.

OFFICIAL RECOMMENDATION OF THE BUREAU OF THE BUDGET AND AGENCY REPORTS

The official recommendation of the Bureau of the Budget for enactment of this legislation and a report from the General Accounting Office follow:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 13, 1963.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a proposed bill to authorize Government agencies to provide quarters,

household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

The purpose of the proposed bill is to restate and clarify existing statutory authority and regulations which authorize the providing by the Government of rental quarters and certain related services for its personnel. It is primarily in the nature of perfecting legislation. It is not expected to result in additional costs to the Government, nor in savings, but to standardize and improve rental practices.

Specifically, the bill would:

(a) restate existing authority to provide rental housing for civilian employees of the Government;

(b) reinstate a statutory barrier against forced occupancy of Government rental housing such as was carried for some years in appropriation acts, and which has not been suggested in recent years in anticipation of permanent legislation such as is being proposed;

(c) authorize the President to issue regulations for more equitable application of the law relating to rental quarters and related services; and

(d) clarify the applicability of the law in certain cases not now clearly covered, such as rent for contractors' employees and members of the uniformed services who occupy rental housing:

A similar proposal was introduced in the 86th Congress as Senate bill 3486, was reported by the Senate Committee on Government Operations in Report No. 1570, and was passed by the Senate on June 14, 1960. The bill had not been acted upon by the House of Representatives at adjournment.

Subsequently, an identical bill was introduced in the 87th Congress as Senate bill 797, and in the House of Representatives as H.R. 7021. The House Committee on Post Office and Civil Service reported on its bill in Report No. 856, and the House of Representatives passed the bill on August 21, 1961. The Senate committee had not reported the bill at the time of adjournment.

With two minor changes, the legislation now proposed is identical with that approved by both the House and the Senate in the two Congresses. The first change, the addition of language at the end of section 2 and section 3, relates to the need for wording to assure the continuation of present and long-standing practice of crediting rents and proceeds of other services to appropriations. The Comptroller General expressed the view that the earlier proposed wording would remove the authority for retaining in the various appropriations the amounts of rentals and other charges, which are now available to defer the costs of upkeep and service operations involved. Budget estimates have generally been calculated on the assumption that such deductions will continue to be available for these purposes.

The second change is the elimination of the Trust Territory of the Pacific from the proposed coverage of the bill. Since the earlier version was drafted, the enactment of the Overseas Differentials and Allowances Act of September 6, 1960 (5 U.S.C. 3032), has rendered unnecessary the need for coverage of the territory in this bill.

The Bureau of the Budget recommends favorable consideration of this draft bill.

Sincerely,

KERMIT GORDON, *Director*.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 13, 1964.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
 House of Representatives.*

DEAR MR. CHAIRMAN: Your letter of April 17, 1964, requests our comments on S. 1833 and on the draft of a proposed revision of the bill.

The bill and the proposed revision are designed to clarify existing statutory authority for the providing of quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian employees of the Government who occupy Government quarters. They would continue the basic authority now granted Government agencies by section 3 of the act of March 5, 1928 (5 U.S.C. 75a). They would also specifically authorize the President to issue regulations prescribing rates to be charged employees for the housing, facilities, and services provided; such rates to be reasonable to the employee. The regulations would also apply to rates charged non-Government personnel who are furnished quarters, etc., as an incidental service in support of a Government program, and to rates charged military personnel who occupy rental quarters.

While it is not clear from the language used in either the bill or the proposed revision, it apparently is not contemplated that either one would authorize any new construction or acquisition of Government quarters, or alter the basic statutory policy that civilian employees should pay a reasonable rate for housing provided them, or affect the special statutes which authorize the furnishing, without charge or at specified rates, of housing, etc. See Senate Report 829, accompanying S. 1833, 88th Congress.

While we are in general agreement with the purpose of the bill and the proposed revision we should like to offer the following comments:

Bureau of the Budget Circular No. A-45, which was issued in connection with section 3 of the act of March 5, 1928, enunciates the basic rule of "equivalence"—that rental rates in continental United States should be based on those prevailing for comparable private housing in the same area, with the application of certain modifying factors where appropriate. If it is the intent of the Congress that the principle of equivalence is to be continued as the basis for agencies to establish rentals after enactment of either S. 1833 or the proposed revision, we believe that the bill or the proposed revision should be revised to make this intent clear. Our experience with Circular A-45 indicates that in practice, some Government agencies have not been charging rents that are equivalent or comparable with rents charged for private housing in the area. Some of the weaknesses that apparently contributed to the difference in rents charged for Government quarters and the rents charged for comparable private housing were (1) the reduction of rental rates in consideration of certain modifying factors that are in addition to those factors set forth by the Bureau of the Budget in Circular A-45, (2) commercial appraisers were not adequately informed as to the Government's policy on the rental of quarters, (3) one agency's instructions provide that rental rates for each unit be established on the basis of the lower of two independent appraisals, and (4) there are indications that rental rates have been reduced to facilitate the recruitment of employees. Thus, the question

arises as to whether the resultant reduction in rates is not contrary to section 3 of the act of June 20, 1874 (5 U.S.C. 71), which provides that:

"No civil officer of the Government shall on and after June 20, 1874 receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law."

It is noted that neither S. 1833 nor the proposed revision contain specific authority for the providing of garage space to civilian officers and employees who occupy Government quarters. Authority to provide garage space to certain of its employees has been given to the Veterans' Administration by 38 U.S.C. 5004. Therefore, your committee may wish to consider including in either S. 1833 or the proposed revision specific authority for agencies to provide garage space to their employees who occupy Government quarters in addition to household furniture and equipment, utilities, etc. If garage space is specifically authorized, we suggest that it be made clear either in the legislation or its history that if a separate garage rental rate is charged, which is apart from the quarters rental rate, the garage rental rate should be based on the principle of equivalence. In a recent review of garage rental rates charged by the Veterans' Administration for garage space used by its employees who generally occupied Government-owned quarters, we found that the rental rates were significantly lower than rentals for comparable private garage space in the local communities. See our report to the Congress dated May 8, 1964, B-118660, entitled "Loss of Revenues From Inadequate Rental Charges for Garages Used by Field Station Employees, Veterans' Administration."

We believe that either S. 1833 or the proposed revision of the bill would accomplish the purpose for which they are intended; however, it appears that certain matters have been clarified in the proposed revision which we consider to be desirable.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets):

SECTION 3 OF THE ACT OF MARCH 5, 1928

(45 Stat. 193; 5 U.S.C. 75a)

[SEC. 3. The head of an executive department or independent establishment, where, in his judgment, conditions of employment require it, may continue to furnish civilians employed in the field service with quarters, heat, light, household equipment, subsistence, and laundry service; and appropriations for the fiscal year 1929 and thereafter of the character heretofore used for such purposes are hereby made available therefor: *Provided*, That the reasonable value of such allowances shall be determined and considered as part of the compensation in fixing the salary rate of such civilians.]

88TH CONGRESS
2D SESSION

S. 1833

[Report No. 1459]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1964

Referred to the Committee on Post Office and Civil Service

JUNE 4, 1964

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the head of the each department, independent establish-
4 ment, and Government corporation may, under such regula-
5 tion as the President may prescribe and where conditions
6 of employment or availability of quarters warrant it, provide,
7 either directly or by contract, civilian officers and employees
8 stationed in the United States, its territories and possessions,
9 and the Commonwealth of Puerto Rico, with quarters (Gov-

1 ernment owned or leased), household furniture and equip-
2 ment, utilities, subsistence, and laundry service.

3 SEC. 2. Rental rates for any Government owned or
4 leased quarters provided under authority of section 4 of this
5 Act, or occupied on a rental basis under authority of any
6 other provision of law, and charges for any furniture and
7 equipment, utilities, subsistence, and laundry service made
8 available in connection with the occupancy of such quarters,
9 shall be based on the reasonable value thereof to the officer,
10 employee, or member of the uniformed services concerned,
11 in the circumstances under which furnished. Such rates and
12 charges shall be determined in accordance with such regula-
13 tions as the President may prescribe, and the amounts
14 thereof shall be paid by or deducted from the salary of such
15 officer, employee, or member of the uniformed services, or
16 otherwise charged against them: *Provided*, That the
17 amounts of any payroll deductions for such charges shall
18 remain in the applicable appropriation or fund, but when
19 ever payments are made by any other method the amounts
20 shall be credited to miscellaneous receipts of the Treasury or
21 to such appropriation or fund as may be otherwise provided
22 by law.

23 SEC. 3. Whenever, as an incidental service in support
24 of a Government program, any Government owned or leased
25 quarters, and any related furniture and equipment, utilities,

1 subsistence, and laundry service are provided, under spe-
2 cific Government direction, to any person who is not an offi-
3 cer or employee of the Government or a member of the
4 uniformed services, the rates and charges therefor, which
5 shall be paid or otherwise credited to the Government, shall
6 be determined in accordance with section 2 of this Act: *Pro-*
7 *vided*, That the amounts of any such charges shall be credited
8 to miscellaneous receipts of the Treasury or to such appro-
9 priation or fund as may be otherwise provided by law.

10 SEC. 4. No civilian officer, employee, or member of the
11 uniformed services shall be required to occupy Government
12 owned or leased rental quarters unless the head of the agency
13 concerned shall determine that necessary service cannot be
14 rendered or property of the United States cannot be ade-
15 quately protected otherwise.

16 SEC. 5. Section 2 of this Act shall not be construed as
17 repealing or modifying any provision of law which may au-
18 thorize the provision, without charge or at specified rates,
19 of any of the items enumerated in section 1 of this Act, to
20 any specific civilian officer or employee, or to any class of
21 such officers or employees, or to such officers or employees
22 under emergency conditions or to members of the uniformed
23 services.

24 SEC. 6. Section 3 of the Act of March 5, 1928 (45
25 Stat. 193 (5 U.S.C. 75a)), is repealed.

1 *That, for the purposes of this Act—*

2 (1) “Government” means the Government of the
3 *United States of America.*

4 (2) “agency” means—

5 (A) each executive department of the Govern-
6 *ment;*

7 (B) each agency or independent establishment
8 *in the executive branch of the Government;*

9 (C) each corporation owned or controlled by
10 *the Government, except the Tennessee Valley Author-*
11 *ity; and*

12 (D) the General Accounting Office.

13 (3) “employee” means a civilian officer or em-
14 *ployee of an agency.*

15 (4) “United States” means the several States of the
16 *United States of America, the District of Columbia, the*
17 *territories and possessions of the United States, and the*
18 *Commonwealth of Puerto Rico.*

19 (5) “quarters” means quarters owned or leased by
20 *the Government.*

21 (6) “facilities” means household furniture and
22 *equipment, garage space, utilities, subsistence, and laundry*
23 *service.*

24 (7) “member” and “uniformed services” have the

meanings given them by section 101 of title 37, United States Code.

SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly or by contract, any employee stationed in the United States, with quarters and facilities.

SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

1 *SEC. 4. Whenever, as an incidental service in support*
2 *of a program of the Government, any quarters and facilities*
3 *are provided, by appropriate authority of the Government, to*
4 *any person other than an employee or a member of the uni-*
5 *formed services, the rates and charges therefor shall be deter-*
6 *mined in accordance with this Act. The amounts of the*
7 *payments of such rates and charges shall be credited to the*
8 *Government as provided by law.*

9 *SEC. 5. An employee or a member of the uniformed*
10 *services shall not be required to occupy quarters on a rental*
11 *basis unless the head of the agency concerned shall determine*
12 *that necessary service cannot be rendered, or that property of*
13 *the Government cannot adequately be protected, otherwise.*

14 *SEC. 6. The President may issue regulations governing*
15 *the provision, occupancy, and availability of quarters and*
16 *facilities, the determination of rates and charges therefor, and*
17 *other related matters, as are necessary and appropriate to*
18 *carry out the provisions of this Act. The head of each agency*
19 *may prescribe and issue such regulations, not inconsistent*
20 *with the regulations of the President, as may be necessary*
21 *and appropriate to carry out the functions of such agency*
22 *head under this Act.*

23 *SEC. 7. Section 3 of this Act shall not be held or con-*
24 *sidered to repeal or modify any provision of law author-*

1 *izing the provision of quarters or facilities, either without*
2 *charge or at rates or charges specifically fixed by law.*

3 *SEC. 8. Section 3 of the Act of March 5, 1928 (45*
4 *Stat. 193; 5 U.S.C. 75a), is hereby repealed.*

5 *SEC. 9. The foregoing provisions of this Act shall become*
6 *effective on the sixtieth day following the date of enactment*
7 *of this Act.*

Amend the title so as to read: "An Act to authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes."

Passed the Senate January 23, 1964.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

JANUARY 27, 1964

Referred to the Committee on Post Office and Civil Service

JUNE 4, 1964

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
or cited)

Issued June 16, 1964
For actions of June 15, 1964
88-2nd, No. 120

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HIGHLIGHTS: For highlights see page 6.

HOUSE

1. HOUSING LOANS. Passed, under suspension of the rules, H. J. Res. 1041, to continue from June 30 to Sept. 30, 1964, the program of insured rental housing loans for the elderly in rural areas. pp. 13259-60
2. MARKETING COMMISSION. Agreed to a Senate request for the return of S. J. Res. 71, to establish a National Commission on Food Marketing. p. 13252
3. BEEF. Rep. Jensen spoke in favor of the use of corn-fed beef. p. 13252
4. COMMODITY CREDIT CORPORATION. Received from the President the annual report of CCC for the fiscal year 1963. p. 13252
5. WATER RESEARCH. House conferees were appointed on S. 2, to establish Federal-aid water-research (p. 13253). Senate conferees have already been appointed.

6. FORESTRY. Passed without amendment H. R. 7588, to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands. p. 13253
7. PERSONNEL. Passed as reported S. 1833, to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian Government officers and employees. pp. 13254-5
Passed, under suspension of the rules, S. J. Res. 103, to increase the authorization for the President's Committee on Employment of the Physically Handicapped. pp. 13257-9
8. DEFENSE PRODUCTION. Passed, under suspension of the rules, H. R. 10000, to extend the Defense Production Act from June 30, 1964, to June 30, 1966. pp. 13260-1
9. BANKING AND CURRENCY. Passed, under suspension of the rules, H. R. 11499, to extend for 2 years the authority of the Federal Reserve banks to purchase U. S. obligations directly from the Treasury. pp. 13261-2
10. FOREIGN TRADE. Rep. Michel inserted a colloquy on "Free Enterprise in the Free World: A Business-Government Joint Venture." pp. 13262-6
11. TRANSPORTATION. Rep. Younger deplored the refusal of the Rules Committee to clear H. R. 9903, the omnibus transportation bill, and inserted an article by Morris Forgash, "Transportation Equation: Apathy Plus Inaction Divided By Talk Equals Crisis and Nationalization." pp. 13280-4
12. WHEAT; COTTON; FOOD STAMPS. Rep. Cleveland claimed, and inserted an article by Rep. Curtis claiming, that there was a log-rolling deal in connection with the wheat-cotton bill and the food-stamp bill. pp. 13284-6
13. FARM LABOR. Rep. Teague, Calif., inserted an editorial favoring the Mexican farm labor program. p. 13286
14. FOREIGN AID. Rep. Halpern commended the foreign-aid bill as recently passed by the House. pp. 13286-7
15. WOOL LABELING. Rep. Gross expressed a hope that it is not true that the State Department requested postponement of H. R. 4994, to provide for the labeling of imported woven labels. p. 13287
16. FOREIGN TRADE; SURPLUS COMMODITIES. Received from FAS the report for May pursuant to Public Law 480. p. 13288
17. TAXATION. The Judiciary Committee submitted a report on State taxation of interstate commerce (H. Rept. 1480). p. 13288
18. CIVIL DEFENSE. The Rules Committee reported a resolution for consideration of H. R. 10314, to amend and extend the Civil Defense Act of 1950 (H. Rept. 1484). p. 13288
19. PUBLIC WORKS APPROPRIATION BILL. The Rules Committee reported a resolution for consideration of this bill, H. R. 11579, which is to be considered today, June 16. pp. 13288, D469

Speaker's desk the bill (H.R. 1887) for the relief of Yan Ok Kim, Chang In Wu, and Jung Yoi Sohn, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That, notwithstanding the provisions of section 205(c) of the Immigration and Nationality Act, a petition may be filed in behalf of Chang In Wu by Mr. and Mrs. Robert Ainley, citizens of the United States, pursuant to section 205(b) of the said Act."

Amend the title so as to read: "A bill for the relief of Chang In Wu."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate amendment was concurred in.

The title was amended to read as follows: "A bill for the relief of Chang In Wu."

A motion to reconsider was laid on the table.

WATER RESEARCH

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2) to establish water resources research centers at land-grant colleges and State universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national program of water research, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, ROGERS of Texas, HALEY, SAYLOR and BURTON of Utah.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN THE DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDITIONAL COMMISSIONERS OF THE U.S. COURTS OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROTECTION OF NATIONAL FORESTS AND NATIONAL GRASSLANDS

The Clerk called the bill (H.R. 7588) to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 4, 1897, as amended (30 Stat. 11, 35; 16 U.S.C. 551), second full paragraph, page 35, and section 32(f), title III, of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 526; 7 U.S.C. 1011(f)), are further amended by addition of the following sentence in each case: "Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d) and (e), as amended."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDITH NOURSE ROGERS MEMORIAL VETERANS' HOSPITAL

The Clerk called the bill (H.R. 10926) to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital.

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SAM RAYBURN MEMORIAL VETERANS CENTER

The Clerk called the bill (H.R. 10936) to designate the Veterans' Administration center at Bonham, Tex., as the Sam Rayburn Memorial Veterans Center.

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN ELLIOTT RANKIN MEMORIAL VETERANS HOSPITAL

The Clerk called the bill (H.R. 146) to designate the Veterans' Administration hospital at Jackson, Miss., as the John Elliott Rankin Memorial Veterans Hospital.

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TRANSFER OF LAND TO MCKINNEY, TEX.

The Clerk called the bill (H.R. 10610) to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Reserving the right to object, Mr. Speaker, I should like to ask the author of the bill or a member of the committee a question concerning the purpose for which this land would be used by the city of McKinney, Tex.

Do I understand correctly that in the deed of conveyance from the Federal Government to the city of McKinney there would be a reverter clause in case the land is not used for recreational purposes?

Mr. ROBERTS of Texas. That is correct.

Mr. FORD. This will be a part of the conveyance by the Federal Government to the city?

Mr. ROBERTS of Texas. That is correct. It was explained by the Veterans' Administration that he will add this provision to the conveyance.

Mr. FORD. As I understand it, it is the fact that the city of McKinney is going to use this land for recreational purposes that prompted the Veterans' Administration to transfer this land at 50 percent of the appraised value?

Mr. ROBERTS of Texas. That is correct. This is a part of the Veterans' Administration hospital and it adjoins a golf course which was built by Ben Hogan and Byron Nelson and was given to the veterans. This adjoins it and will be a municipal golf course.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall be authorized to convey to the city of McKinney, Texas, at 50 per centum of its appraised value, and for recreational purposes, all right, title, and interest of the United States in and to a portion of the real property of the Veterans' Administration Hospital, McKinney, Texas, approximating thirty-nine acres, more or less. The exact legal description of such real property shall be determined by the Administrator of Veterans' Affairs and in the event a survey is required in order to make such determination the city of McKinney shall bear the expense thereof.

With the following committee amendments:

On line 9, page 1, after the word "description" insert "and the appraised value."

On line 1, page 2, after the word "survey", insert the words "or an appraisal".

On line 2, page 2, strike the word "determination" and insert the word "determinations".

At the end of the bill, add section 2 as follows:

"SEC. 2. Any deed of conveyance made pursuant to this Act shall contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF SEWAGE TREATMENT PLANT TO MCKINNEY, TEX.

The Clerk called the bill (H.R. 10611) to provide for the conveyance of certain real property under the control of the Administrator of Veterans' Affairs.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to make legislative history with reference to this bill. Do I understand that in the deed of conveyance for this sewage disposal plant to the municipality of McKinney, Tex., it will be provided that the Veterans' Administration hospital, after the 10 years in which sewage is to be disposed of free of charge to the Veterans' Administration, that then the Veterans' Administration will pay the minimum rate charged to all other users of the sewage disposal plant as operated by the city of McKinney, Tex.

Mr. ROBERTS of Texas. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROBERTS of Texas. The gentleman is correct and I thank him very much for bringing out the fact that that provision will be included in the deed of conveyance.

Mr. GROSS. I thank the gentleman.

Mr. ROBERTS of Texas. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey to the city of McKinney, Texas, the sewage treatment plant of the Veterans' Administration hospital of McKinney, Texas, if the city of McKinney, Texas, in consideration therefor, agrees to treat all sewage from such hospital without charge for a period of ten years from the date of such conveyance.

With the following committee amendments:

On page 1, line 5, after the word "plant" insert "(with the easements relating thereto)".

At the end of the bill insert section 2 as follows:

"SEC. 2. Any deed of conveyance made pursuant to this Act shall contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO THE ESTABLISHMENT OF CONCESSION POLICIES IN THE AREAS ADMINISTERED BY NATIONAL PARK SERVICE

The Clerk called the bill (H.R. 5886) relating to the establishment of concession policies in the areas administered by National Park Service and for other purposes.

Mr. McFALL. Mr. Speaker, at the request of another Member, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

QUARTERS AND FACILITIES FOR GOVERNMENT PERSONNEL

The Clerk called the bill (S. 1883) to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of the each department, independent establishment, and Government corporation may, under such regulation as the President may prescribe and where conditions of employment or availability of quarters warrant it, provide, either directly or by contract, civilian officers and employees stationed in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, with quarters (Government owned or leased), household furniture and equipment, utilities, subsistence, and laundry service.

SEC. 2. Rental rates for any Government owned or leased quarters provided under authority of section 1 of this Act, or occupied on a rental basis under authority of any other provision of law, and charges for any furniture and equipment, utilities, subsistence, and laundry service made available in connection with the occupancy of such quarters, shall be based on the reasonable value thereof to the officer, employee, or member of the uniformed services concerned, in the circumstances under which furnished. Such rates and charges shall be determined in accordance with such regulations as the President may prescribe, and the amounts thereof shall

be paid by or deducted from the salary of such officer, employee, or member of the uniformed services, or otherwise charged against them: *Provided*, That the amounts of any payroll deductions for such charges shall remain in the applicable appropriation or fund, but whenever payments are made by any other method the amounts shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 3. Whenever, as an incidental service in support of a Government program, any Government owned or leased quarters, and any related furniture and equipment, utilities, subsistence, and laundry service are provided, under specific Government direction, to any person who is not an officer or employee of the Government or a member of the uniformed services, the rates and charges therefor, which shall be paid or otherwise credited to the Government, shall be determined in accordance with section 2 of this Act: *Provided*, That the amounts of any such charges shall be credited to miscellaneous receipts of the Treasury or to such appropriation or fund as may be otherwise provided by law.

SEC. 4. No civilian officer, employee, or member of the uniformed services shall be required to occupy Government owned or leased rental quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

SEC. 5. Section 2 of this Act shall not be construed as repealing or modifying any provision of law which may authorize the provision, without charge or at specified rates, of any of the items enumerated in section 1 of this Act, to any specific civilian officer or employee, or to any class of such officer or employees, or to such officers or employees under emergency conditions or to members of the uniformed services.

SEC. 6. Section 3 of the Act of March 5, 1928 (45 Stat. 193 (5 U.S.C. 75a)), is repealed.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That, for the purposes of this Act—

"(1) 'Government' means the Government of the United States of America.

"(2) 'agency' means—

"(A) each executive department of the Government;

"(B) each agency independent establishment in the executive branch of the Government;

"(C) each corporation owned or controlled by the Government, except the Tennessee Valley Authority; and

"(D) The General Accounting Office.

"(3) 'employee' means a civilian officer or employee of an agency.

"(4) 'United States' means the several States of the United States of America, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(5) 'quarters' means quarters owned or leased by the Government.

"(6) 'facilities' means household furniture and equipment, garage space, utilities, subsistence, and laundry service.

"(7) 'member' and 'uniformed services' have the meanings given them by section 101 of title 37, United States Code.

"SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly or by contract, any employee stationed in the United States, with quarters and facilities.

"SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act

or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

"Sec. 4. Whenever, as an incidental service in support of a program of the Government, any quarters and facilities are provided, by appropriate authority of the Government, to any person other than an employee or a member of the uniformed services, the rates and charges therefore shall be determined in accordance with this Act. The amounts of the payments of such rates and charges shall be credited to the Government as provided by law.

"Sec. 5. An employee or a member of the uniformed services shall not be required to occupy quarters on a rental basis unless the head of the agency concerned shall determine that necessary service cannot be rendered, or that property of the Government cannot adequately be protected, otherwise.

"Sec. 6. The President may issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of this Act. The head of each agency may prescribe and issue such regulations, not inconsistent with the regulations of the President, as may be necessary and appropriate to carry out the functions of such agency head under this Act.

"Sec. 7. Section 3 of this Act shall not be held or considered to repeal or modify any provision of law authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by law.

"Sec. 8. Section 3 of the Act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a), is hereby repealed.

"Sec. 9. The foregoing provisions of this Act shall become effective on the sixtieth day following the date of enactment of this Act."

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes."

A motion to reconsider was laid on the table.

APPLICATION OF FEDERAL HEALTH AND LIFE INSURANCE LAWS TO CERTAIN U.S. COMMISSIONERS

The Clerk called the bill (H.R. 5708) to amend the Federal Employees Health Benefits Act of 1959 to extend coverage to certain U.S. commissioners.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 2(a) of the Federal Employees Health Benefits Act of 1959, is amended by inserting after the word "includes" the following: "any United States commissioner to whom the Civil Service Retirement Act applies by operation of section 2(g) of that Act,".

With the following committee amendments:

Page 1, line 4, immediately after "1959" insert ", as amended (5 U.S.C. 3001(a))."

Page 1, line 4, strike out the word "after" and insert in lieu thereof the words "immediately following".

Page 1, immediately following line 7, insert the following:

"Sec. 2. Section 2(a) of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2901(a)), is amended by inserting immediately following 'District of Columbia' the following: ', and each United States Commissioner to whom the Civil Service Retirement Act applies by operation of section 2(g) of that Act,'."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to bring certain United States Commissioners within the purview of the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954."

A motion to reconsider was laid on the table.

APPLICATION OF EVACUATION AND ALLOTMENT PAY LAW TO GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 8827) to extend the act of September 26, 1961, relating to allotment and assignment to pay, to cover the Government Printing Office, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO PREPARE A ROLL OF PERSONS ELIGIBLE TO RECEIVE FUNDS FROM AN INDIAN CLAIMS COMMISSION JUDGMENT IN FAVOR OF THE SNAKE OR PAIUTE INDIANS OF THE FORMER MALHEUR RESERVATION IN OREGON, TO PRORATE AND DISTRIBUTE SUCH FUNDS, AND FOR OTHER PURPOSES

The Clerk called the bill (H.R. 8080) to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I would like to direct a

question to the gentleman from Florida, chairman of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs.

I shall be happy to yield to the gentleman from Florida if he will tell me whether it is the intention to establish a program for the rehabilitation of these Indians, in view of the fact that they are so widely dispersed and have no reservation lands of their own at the present time.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield.

Mr. HALEY. The gentleman understands, I know, that there is no proposal to establish a rehabilitation program or anything else for this band of Indians. They are widely dispersed all over the country. This proposal merely would allow for the distribution of the remaining funds, from any judgment against the United States.

Mr. SAYLOR. The funds are in the Treasury of the United States drawing interest, and if the roll is prepared they will be distributed and dispensed with; is that correct?

Mr. HALEY. That is correct.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The committee amendment is as follows:

Strike out all of section 1 and insert the following: "That the Secretary of the Interior shall prepare a roll of the persons of Snake or Paiute Indian ancestry who meet the following requirements for eligibility: (1) They were born on or prior to and living on the date of this Act; and (2) they were members of or are lineal descendants of members of the bands whose chiefs and headmen We-you-we-wa (Wewa), Gaha-nee, E-hi-gant (Egan), Po-nee, Chaw-wat-na-nee, Owits (Oits), and Tash-e-go, signed the unratified treaty of December 10, 1868; and (3) they do not elect to participate as beneficiaries of any awards granted in the docket No. 87 claim of the Northern Paiute Nation. Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Portland, Oregon, within nine (9) months after the date of this Act on forms prescribed for that purpose. The determination of the Secretary regarding utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING THE ROOSEVELT CAMPOBELLO INTERNATIONAL PARK

The Clerk called the bill (H.R. 9740) to establish the Roosevelt Campobello International Park, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Roosevelt Campobello International Park Act".

SEC. 2. For the purposes of this Act:

(a) The term "Commission" means the Roosevelt Campobello International Park Commission.

(b) The term "United States members" means members of the Commission appointed by the President. The term "Canadian members" means members of the Commission appointed by the appropriate authorities in Canada.

SEC. 3. There shall be established, in accordance with the agreement between the Governments of the United States and Canada signed January 22, 1964, a joint United States-Canadian Commission, to be called the "Roosevelt Campobello International Park Commission," which shall have as its functions—

(a) to accept title from the Hammer family to the former Roosevelt estate comprising the Roosevelt home and other grounds on Campobello Island;

(b) to take the necessary measures to restore the Roosevelt home as closely as possible to its condition when it was occupied by President Roosevelt;

(c) to administer as a memorial the Roosevelt Campobello International Park comprising the Roosevelt estate and such other lands as may be acquired.

SEC. 4. The Commission shall have juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions pursuant to the agreement between the Governments of the United States and Canada signed January 22, 1964, which shall include but not be limited to the power and capacity to—

(a) acquire property, both real and personal, or interests therein, by gift, including conditional gifts whether conditioned on the expenditure of funds to be met therefrom or not, by purchase, by lease or otherwise, and to hold or dispose of the same under such terms and conditions as it sees fit, excepting the power to dispose of the Roosevelt home and the tract of land on which it is located;

(b) enter into contracts;

(c) sue or be sued, complain and defend, implead and be impleaded, in any United States district court. In such suits, the Attorney General shall supervise and control the litigation;

(d) to appoint its own employees, including an executive secretary who shall act as secretary at meetings of the Commission, and to fix the terms and conditions of their employment and remuneration;

(e) to delegate to the executive secretary or other officials and to authorize the redelegation of such authority respecting the employment and direction of its employees and the other responsibilities of the Commission as it deems desirable and appropriate;

(f) to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in this agreement;

(g) to charge admission fees for entrance to the park should the Commission consider such fees desirable; however, such fees shall be set at a level which will make the facilities readily available to visitors; any revenues derived from admission fees or concession operations of the Commission shall be transmitted in equal shares to the two Governments within sixty days of the end of the Commission's fiscal year, the United States share to be turned over to the appropriate Federal agency for deposit into the United States Treasury as miscellaneous receipts;

(h) to grant concessions, if deemed desirable;

(i) adopt and use a seal;

(j) obtain without reimbursement, for use either in the United States or in Canada,

legal, engineering, architectural, accounting, financial, maintenance, and other services, whether by assignment, detail, or otherwise, from competent agencies in the United States or in Canada, by arrangements with such agencies.

SEC. 5. (a) The Commission shall consist of six members, of whom three shall be the United States members and three shall be the Canadian members. The United States members shall be three persons appointed by the President, of whom one shall be selected from nominations made by the Governor of the State of Maine. Alternates to United States members shall be appointed in the same manner as the members themselves. The United States members and their alternates shall hold office at the pleasure of the President. A vacancy among the United States members of the Commission or their alternates shall be filled in the same manner in which the original appointment was made. An alternate shall, in the absence of the member of the Commission for whom he is alternate, attending meetings of the Commission and act and vote in the place and instead of that member of the Commission.

(b) The Commission shall elect a Chairman and a Vice Chairman from among its members, each of whom shall hold office for a term of two years. The post of Chairman shall be filled for alternate terms by a Canadian and by a United States member. The post of Vice Chairman shall be filled by a Canadian member if the post of Chairman is held by a United States member, and by a United States member if the post of Chairman is held by a Canadian member. In the event of a vacancy in the office of Chairman or Vice Chairman within the two-year term, the vacancy shall be filled for the remainder of the term by special election in accordance with the foregoing requirements. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Four members of the Commission shall constitute a quorum for the transaction of business, but the affirmative votes of at least two United States members, or their alternates, and at least two Canadian members, or their alternates shall be required for any decision to be taken by the Commission.

SEC. 6. No compensation will be attached to the position of United States members of the Commission. United States members or their alternates shall be reimbursed by the Commission for travel expenses in accordance with section 5 of the Administrative Expenses Act of 1946, as amended, and the Standardized Government Travel Regulations.

SEC. 7. The Commission may employ both United States and Canadian citizens.

SEC. 8. The Commission shall hold at least one meeting every calendar year and shall submit an annual report to the United States and Canadian Governments on or before March 31 of each year, including a general statement of the operation for the previous year and the results of an independent audit of the financial operations of the Commission. The Commission shall permit inspection of its records by the accounting agencies of both the United States and Canadian Governments.

SEC. 9. The Commission shall maintain insurance in reasonable amounts, including, but not limited to, liability and property insurance. Such insurance may not cover the Commissioners or employees of the Commission except when sued by name for acts done in the scope of their employment.

SEC. 10. In an action against the Commission instituted in a district court of the United States, service of the summons and of the complaint upon the Commission shall be made by delivering a copy thereof to the United States attorney for the district in which the action is brought, or to an assistant United States attorney, or to a clerical employee designated by the United States attorney to accept service in a writing filed

with the clerk of the court, and by sending a copy of the summons and of the complaint to the Commission by registered mail.

SEC. 11. (a) The United States Government shall not be liable for any act or omission of the Commission or of any person employed by, or assigned or detailed to, the Commission.

(b) Any liability of the Commission shall be met from funds of the Commission to the extent that it is not covered by insurance, or otherwise. Property belonging to the Commission shall be exempt from attachment, execution, or other process for satisfaction of claims, debts, or judgments.

(c) No liability of the Commission shall be imputed to any member of the Commission solely on the basis that he occupies the position of member of the Commission.

SEC. 12. The Commission shall not be subject to Federal, State, or municipal taxation in the United States on any real or personal property held by it or on any gift, bequest, or devise to it of any personal or real property, or on its income, whether from governmental appropriations, admission fees, concessions, or donations.

SEC. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Commission under authority of this Act shall be deemed to be a gift, devise, or bequest to or for the use of the United States if it is not deducted as a gift, devise, or bequest to or for the use of the Government of Canada under the income, estate, or gift taxes of the Government of Canada.

SEC. 14. There are hereby authorized to be appropriated to the Department of the Interior without fiscal year limitation such sums as may be necessary for the purposes of this Act and the agreement with the Government of Canada signed January 22, 1964, article 11 of which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park.

With the following committee amendments:

Page 2, line 12, after "President" insert "Franklin Delano".

Page 2, line 21, strike out "capacity to—" and insert "capacity—".

Page 2, line 22, after the subsection designation "(a)" insert "to".

Page 3, line 5, after the subsection designation "(b)" insert "to".

Page 3, line 6, after the subsection designation "(c)" insert "to".

Page 3, line 13, strike out "remuneration;" and insert "compensation;".

Page 4, lines 6 and 7, strike out "as miscellaneous receipts;" and insert:

"In accordance with the laws governing entrance fees received by the National Park Service;".

Page 4, line 8, after the subsection designation "(i)" insert "to".

Page 4, line 10, after the subsection designation "(j)" insert "to".

Page 4, line 20, after "nominations" insert "which may be".

Page 5, line 5, strike out "attending" and insert "attend".

Page 6, line 2, strike out "taken" and insert "made".

Page 6, line 10, strike out "Regulations." and insert "Regulations."

Page 7, line 12, after "registered" insert "or certified".

Page 8, line 7, strike out all of section 13 and insert the following:

"Sec. 13. For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest to or for the use of the Commission, and accepted by the Commission under authority of this Act, shall be deemed to be a gift, devise, or bequest to or for the use

Aug 8, 1964

SENATE - August 8

17. AGRICULTURAL APPROPRIATION BILL, 1965. Passed as reported this bill, H. R. 11202. Conferees were appointed. pp. 18090-114
18. FOREIGN AID. Continued debate on H. R. 11380, the foreign-aid authorization bill. Rejected, 25 to 34, an amendment by Sen. Thurmond that would have banned discrimination in U.S. aid programs. pp. 18115-23
19. BEEF EXPORTS. Sen. McGee inserted an editorial praising USDA efforts to increase beef exports and an article including data on USDA beef purchases during the first week of July. pp. 18080-1
20. STRIP MINING. Sen. Lausche called for a study of "the adverse impact that surface strip mining has on wildlife, fish, life, vegetation, the general water supply, and the general economy of the communities which are plagued with this problem. p. 18077
21. ALASKA. Agreed to the conference report on S. 2881, the Alaska relief bill. This bill will now be sent to the President. p. 18114
22. PERSONNEL. Concurred in the House amendments to S. 1833, to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to U. S. civilian officers and employees. This bill will now be sent to the President. p. 18080
23. MILITARY CONSTRUCTION APPROPRIATION BILL, 1965. Passed as reported, 64 to 0, this bill, H. R. 11369. pp. 18082-90

HOUSE - August 8

24. POVERTY. Passed S. 2642 after substituting the language of H. R. 11377, previously passed by a 226-184 vote. pp. 18039-63
25. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 3279, to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah (H. Rept. 1725). p. 18074
26. TARIFF. The Ways and Means Committee reported without amendment H. R. 12253, to correct certain errors in the U. S. tariff schedules (H. Rept. 1728). p. 18074
27. LEGISLATIVE PROGRAM. Rep. Albert announced that on Mon. the House will consider sending H. R. 1839, meat import bill, to conference; and that on Tues. and the balance of the week, the House will consider sending S. 1007, the Pacific Northwest electric consumer guarantee, to conference; H. R. 5673, steel container labeling; H. R. 1803, Ozark National Scenic Riverways, Mo.; H. R. 12175, the housing bill; S. 1664, establishing an Administrative Conference of the U.S., will be considered. pp. 18064-5

ITEMS IN APPENDIX

28. AREA REDEVELOPMENT. Extension of remarks of Rep. Blatnik inserting ARA's answer to GAO's report that it overstated its estimate of the number of jobs that would be created under the accelerated public works program. p. A4171

29. POVERTY. Extension of remarks of Rep. Foreman criticizing the poverty bill. p. A4173
Extension of remarks of Rep. Toll favoring the poverty bill. pp. A4192-3
30. WHEAT PROGRAM. Extension of remarks of Rep. Nelsen inserting a letter from a farmer complaining about the price he received for his wheat when he sold it on the free market, and an analysis of the recently announced program for 1965. pp. A4182-3
31. MEAT IMPORTS. Extension of remarks of Rep. Teague, Tex., inserting an Australian newspaper article on the beef import situation which was sent to one of his constituents by a rancher in Australia who stated, "Freeman was working for us, not for the country he represents." p. A4192
32. FOREIGN AGRICULTURE. Extension of remarks of Rep. Powell paying tribute to the Ivory Coast on the fourth anniversary of its independence mentioning its agricultural achievements. p. A4191

BILLS INTRODUCED

33. TRADE. H. R. 12286, by Rep. Barrett, to amend the Trade Expansion Act of 1962; to Ways and Means Committee.
34. POVERTY. H. R. 12288, by Rep. Glenn, to establish a National Human Resources Development Commission; to Education and Labor Committee
35. ROADS AND TRAILS. H. R. 12289, by Rep. Jensen, and H. R. 12290, by Rep. Kyl, to establish the Lewis and Clark Trail Commission; to Interior and Insular Affairs Committee.
36. PUBLIC LAW 480. H. R. 12298, by Rep. Poage, to extend the Agricultural Trade Development and Assistance Act of 1954; to Agriculture Committee.

BILL APPROVED BY THE PRESIDENT

37. CONTAINERS. H. R. 6413, to permit the sale in D. C. of milk and ice cream and other frozen dairy products in smaller containers than now permitted. Approved August 7, 1964 (Public Law 88-405).

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COMMITTEE HEARING AUG. 10:

Public Law 480 amendments, H. Agriculture (exec).

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has been aggression by an outside nation against a member of SEATO. That aggression must be by a Communist country. And it must be such as we consider would endanger our security.

In my judgment, it is clear that under the SEATO agreement we have no right or no obligation to become participants in any invasion aside from an invasion by an aggressor against one of our allies. It was on that basis that I approved that measure.

Mr. McGOVERN. Mr. President, I hope the Senator's interpretation is correct.

Mr. LAUSCHE. I suggest that the Senator read it.

Mr. McGOVERN. I feel greatly reassured.

FACTS ON THE HOUSING AND SCHOOL SITUATION AMONG MISSISSIPPI NEGROES

Mr. STENNIS. Mr. President, in the midst of great emotional social issues, it is almost impossible to get an objective report. Normal day-to-day facts are virtually ignored.

But occasionally such a factual and objective report does filter into the press of the Nation. I have been most pleased to read in the Christian Science Monitor—one of the Nation's truly great newspapers, published in Boston—a story that does attempt to give some of the true facts about Mississippi.

Because this article by Mr. Saville R. Davis presents the facts of the housing and school situation among Mississippi Negroes, I want to make this factual reporting available to Members of the Senate.

I, therefore, request unanimous consent that this article entitled "Negro Housing, Plus Side Down in Dixie," from the Christian Science Monitor, of August 6, 1964, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGRO HOUSING—PLUS SIDE DOWN IN DIXIE (By Saville R. Davis)

JACKSON, MISS.—It seems next to impossible in the midst of civil turmoil in Mississippi this summer to write what would be considered a fair-minded and objective account by both sides.

Emotions understandably run high.

Facts are oppositely interpreted and there are comparatively few areas where there is agreement on what facts are.

Both sides recognize this and go their own ideological ways and it would tax Solomon himself to carry water on both shoulders.

Reporters sent to Mississippi by the national news media try to cover events from both sides. They wear jackets and neckties in the steaming heat, remain professionally aloof, and go back and forth between the authorities and civil rights workers.

CHASTENING EXPERIENCE

Their assignment is to cover the news, and the ordinary definition of news does not include the arguments for segregation which are largely unchanging. But the Negroes are speaking out for the first time militantly and are under vigilante attack, so they tend to get more attention.

This correspondent made a systematic tour of the Negro districts of Jackson with an advocate of the traditional and evolving south-

ern society. The plan was to show me everything, good and bad. We covered all sections, I went along the tracks and down alleys and confirmed the findings later with a Jackson Negro on the side of civil rights.

It was a chastening experience for an inhabitant of a big northern city. The eye could readily see why white Mississippians are convinced the North "does not understand what we have done for the Negro."

There was nothing to be found that could be called a shanty town of any significant dimension in the city of Jackson itself. (Outside, of course, roll the rural Mississippi areas where the picture would be entirely different.) At the other end of the scale there were substantial numbers of well-to-do Negro houses of modern design, inviting and tastefully landscaped.

NEATLY DRESSED CHILDREN

But it was the great bulk of modest or small-sized houses that caught and held the eye. Except for occasional rows of really tiny houses, roof by roof, they were set in enough land to permit a modest bit of landscaping. The grass was trimly cut. There were gardens, normally, with blooms that many a Northern suburbanite would envy.

Houses were almost uniformly well painted. Roofs looked tight. Porches seemed to be in a good state of repair. One had to search for the untidy sight, the unpainted wall, and conspicuously few had much bare earth in place of green. There were usually plenty of trees, often covered with blossoms. The streets were clean. Children playing about were as neatly dressed as children in a low-income area could be.

The Negro schools were mostly in attractive, modern, efficient-looking buildings of the type that now is mushrooming everywhere. One was a gaily roofed complex of imaginative contemporary design that would have made a New England town selectman frown sternly and mutter about the tax rate. They were, of course, segregated schools.

It was all in startling contrast to a Negro ghetto in a Northern big city with its plague of slums, its rundown rattle-trap schools and the attendant air of hopelessness with respect to paint, repairs, and blades of grass.

There are lines here in Jackson dividing the various Negro sections from those that are white and they are clear for the most part; there are only a few mixed sections. But so are the lines fairly clear in the areas of what is called de facto segregation in the North.

A Northerner could argue that his cities are old and economically tired and that waves of immigrants had swept through the old parts of the city and turned them into badlands and the well-to-do had moved out. But it was not always green and kempt in Jackson either. The kind of landlordism that charges exorbitant rates for decaying hovels across the South used to reign here, too.

But Jackson decided to send in the health authorities and clean up. The landlords were told quite simply, and progressively, "do this" and "do that" or take down. It was repair or raze. They were given time but not, in the tradition of the Northern city, political exemption. So the present neatness, verdure, and obvious housing self-respect came about.

MODERN SCHOOL

This is not the place to recite the arguments which support the southern system. In the interests of balance they would have to be matched by the counterarguments on the other side and this was a tour, not a polemic. Suffice it to say that some Negroes go north from Jackson and stay; others go north and return.

It is obvious that those who stay away are willing to pay a heavy cost in terms of slum living (unless they are the fortunate few who can break out somehow) in order to

exchange the system of formal segregation here for one that is factually and imperfectly segregated, but legally equal.

Those who return to the South obviously prefer the kind of life that offers a higher physical standard and condition of living while formally segregated.

In Laflore County, several hours away, I was taken on a tour of the all-Negro Amanda Elzy School by County Superintendent of Education Otis W. Allen. It was a show-piece and an impressive sight. Few of the new public schools in wealthy northern suburbs have so generous a tract of land for playing fields, buildings, and open vistas.

Visits to typical classrooms in both the elementary and high school sections showed a high pride in room decoration by the children and a high seriousness among the older students. Physics in one classroom was being taught by the new methods that give students fascinating problems to mull over at home and draw them into thinking and working their own way into physics in class.

EARNEST STUDENTS

There were hot meals for those who could afford an inexpensive cafeteria; others brought their lunches. Athletes were doing tough exercises on a field (their teams have done well) and students twirling and tootling for the school band in the gym. Classes like home economics had furnished rooms, fitted up by students in the school shop, in which to practice, and large display cases in the corridors to tend.

Most significant of all was to slip unobserved into the library and see it filled with students obviously working hard.

Whatever the arguments for and against segregating schools, of which this correspondent heard many on both sides, here was the process of education in full blast and here was a generation of Negro students learning hard from Negro teachers and principals under physical conditions that would startle the victim of a typical northern Negro slum school. Only the few Negroes in unsegregated public or private schools in the suburbs have comparable surroundings.

REPORT ON THE RESTORATION OF THE OLD SENATE AND SUPREME COURT CHAMBERS IN THE U.S. CAPITOL

Mr. STENNIS. Mr. President, because of the many expressions of renewed interest I have received concerning the restoration of the old Senate and Supreme Court Chambers in the Capitol Building, I want to make a very brief report on the status of this work.

Although no funds for this project are included in the Legislative Branch Appropriations Act for 1965, now under consideration, I am pleased to report that the necessary planning activities are moving along in good order at the present time. The sum of \$37,500, all of which has now been obligated, was included in the Legislative Branch Appropriations Act for 1964 to provide funds for the preparation of working drawings, specifications and cost estimates for the restoration. On March 6, 1964, the Architect of the Capitol entered into a contract with Associate Architects for the preparation of these documents. In addition, on March 9, 1964, the Architect secured the services of a historian from the National Park Service on a reimbursable basis to conduct the necessary research concerning these Chambers, including a search of the records at the

National Archives, for the period of 1807-60.

It is anticipated that the research at the National Archives will be completed by the end of this month. Pending completion of this research, the Associate Architects have obtained detailed information regarding the existing conditions in both Chambers, and working drawings of these spaces are being roughed out. However, final preparation of the drawings and specifications must be delayed until the required research is completed.

I am advised by the Architect of the Capitol that all of this work will be completed some time this fall. Based on the working drawings and specifications, the Architect will then prepare the cost estimates for actual restoration. It is expected that funds will be requested for this work in fiscal year 1966.

I am highly pleased to report this progress to the Senate, Mr. President, and I anxiously look forward to the time when these two historic chambers are substantially restored to the condition in which they existed and were furnished when last occupied by the Senate and Supreme Court in 1859 and 1860, respectively. In my opinion, these Chambers will be among the most outstanding and important historical shrines in our Nation. They will be appreciated and enjoyed by all who visit the Capitol, as well as those who labor here, for it was in those very rooms that many great decisions were made which have shaped the destiny of our Nation. The restoration and opening of these Chambers for public viewing will be a tribute to the outstanding roles that the Senate and the Supreme Court have played in our history.

E. A. ROLFE, JR.

The PRESIDING OFFICER (Mr. NELSON in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCLELLAN. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON, Mr. McCLELLAN, and Mr. HRUSKA conferees on the part of the Senate.

PROVISION OF QUARTERS, HOUSEHOLD FURNITURE, ETC., TO CERTAIN CIVILIAN OFFICERS AND EMPLOYEES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1833) to authorize Government agencies to provide quarters, household furniture, and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for

other purposes, which were, to strike out all after the enacting clause and insert:

That, for the purposes of this Act—

(1) "Government" means the Government of the United States of America.

(2) "agency" means—

(A) each executive department of the Government;

(B) each agency or independent establishment in the executive branch of the Government;

(C) each corporation owned or controlled by the Government, except the Tennessee Valley Authority; and

(D) the General Accounting Office.

(3) "employee" means a civilian officer or employee of an agency.

(4) "United States" means the several States of the United States of America, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

(5) "quarters" means quarters owned or leased by the Government.

(6) "facilities" means household furniture and equipment, garage space, utilities, subsistence, and laundry service.

(7) "member" and "uniformed services" have the meanings given them by section 101 of title 37, United States Code.

SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly or by contract, any employee stationed in the United States, with quarters and facilities.

SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

SEC. 4. Whenever, as an incidental service in support of a program of the Government, any quarters and facilities are provided, by appropriate authority of the Government, to any person other than an employee or a member of the uniformed services, the rates and charges therefor shall be determined in accordance with this Act. The amounts of the payments of such rates and charges shall be credited to the Government as provided by law.

SEC. 5. An employee or a member of the uniformed services shall not be required to occupy quarters on a rental basis unless the head of the agency concerned shall determine that necessary service cannot be rendered, or that property of the Government cannot adequately be protected, otherwise.

SEC. 6. The President may issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of this Act. The head of each agency may prescribe and issue such regulations, not inconsistent with the regulations of the President, as may be necessary and appropri-

ate to carry out the functions of such agency head under this Act.

SEC. 7. Section 3 of this Act shall not be held or considered to repeal or modify any provision of law authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by law.

SEC. 8. Section 3 of the Act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a), is hereby repealed.

SEC. 9. The foregoing provisions of this Act shall become effective on the sixtieth day following the date of enactment of this Act.

And to amend the title so as to read: "An act to authorize Government agencies to provide quarters and facilities to civilian officers, and employees of the Government, and for other purposes."

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the House amendments. I have checked the question with the senior member of the committee from which the bill was reported, the ranking member of the committee on the minority side of the aisle, and also with the minority leadership. So far as I know, there are no objections to the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

BEEF EXPORTS—BEEF PURCHASE PROGRAM

Mr. McGEE. Mr. President, this body recently took action, in approving higher quotas for imported red meat, to improve the lot of the hard-pressed American cattleman. At the time when that action was taken, I pointed out that this problem and the plight of the cattleman are of such dimensions that no single action alone will provide the necessary improvement in fat cattle prices.

I was pleased to note in the August issue of the Wyoming Stockman Farmer, an excellent journal published monthly in Cheyenne, Wyo., an editorial on the need to promote the sale of American beef abroad and an article detailing the beef purchase program of the Department of Agriculture.

The editorial and the article demonstrate the awareness that we must be working on all fronts to ease the cost-price squeeze which has caught our cattlemen. I ask unanimous consent that both the editorial and the article be printed in the RECORD.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Wyoming Stockman-Farmer, August 1964]

MORE PROMOTION

Although, as most of our readers will agree, we ordinarily are opposed to Government directives, and certainly still feel that wide-open beef imports have had a depressing effect on cattle prices, nevertheless, we also are in favor of promoting a product. And, thus we will have to applaud the efforts of Government, and livestock leaders, to seek new markets for Wyoming's agricultural products.

Jay Taylor, cattleman of Amarillo, Tex., and chairman of the special expert Advisory



Public Law 88-459
88th Congress, S. 1833
August 20, 1964

An Act

78 STAT. 557.

To authorize Government agencies to provide quarters and facilities to civilian officers and employees of the Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act—

Federal employees.
Quarters and
facilities.
Definitions.

(1) "Government" means the Government of the United States of America.

(2) "agency" means—

- (A) each executive department of the Government;
- (B) each agency or independent establishment in the executive branch of the Government;
- (C) each corporation owned or controlled by the Government, except the Tennessee Valley Authority; and
- (D) the General Accounting Office.

(3) "employee" means a civilian officer or employee of an agency.

(4) "United States" means the several States of the United States of America, the District of Columbia, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

(5) "quarters" means quarters owned or leased by the Government.

(6) "facilities" means household furniture and equipment, garage space, utilities, subsistence, and laundry service.

(7) "member" and "uniformed services" have the meanings given them by section 101 of title 37, United States Code.

76 Stat. 451.

SEC. 2. Whenever conditions of employment or of availability of quarters warrant such action, the head of each agency may provide, directly or by contract, any employee stationed in the United States, with quarters and facilities.

SEC. 3. Rental rates for quarters provided for an employee under section 2 of this Act or occupied on a rental basis by an employee or a member of the uniformed services under any other provision of law, and charges for facilities made available in connection with the occupancy of such quarters, shall be based on the reasonable value of the quarters and facilities to the employee or the member of the uniformed services concerned, in the circumstances under which the quarters and facilities are provided, occupied, or made available. The amounts of such rates and charges shall be paid by, or deducted from the salary of, such employee or member of the uniformed services, or otherwise charged against him in accordance with law. The amounts of payroll deductions for such rates and charges shall remain in the applicable appropriation or fund, but, whenever payment of such rates and charges is made by any other method, the amounts of payment shall be credited to the Government as provided by law.

Rental rates.

SEC. 4. Whenever, as an incidental service in support of a program of the Government, any quarters and facilities are provided, by appropriate authority of the Government, to any person other than an employee or a member of the uniformed services, the rates and charges therefor shall be determined in accordance with this Act. The amounts of the payments of such rates and charges shall be credited to the Government as provided by law.

SEC. 5. An employee or a member of the uniformed services shall not be required to occupy quarters on a rental basis unless the head of the agency concerned shall determine that necessary service cannot

Regulations.

be rendered, or that property of the Government cannot adequately be protected, otherwise.

SEC. 6. The President may issue regulations governing the provision, occupancy, and availability of quarters and facilities, the determination of rates and charges therefor, and other related matters, as are necessary and appropriate to carry out the provisions of this Act. The head of each agency may prescribe and issue such regulations, not inconsistent with the regulations of the President, as may be necessary and appropriate to carry out the functions of such agency head under this Act.

Repeal.

SEC. 7. Section 3 of this Act shall not be held or considered to repeal or modify any provision of law authorizing the provision of quarters or facilities, either without charge or at rates or charges specifically fixed by law.

Effective date.

SEC. 8. Section 3 of the Act of March 5, 1928 (45 Stat. 193; 5 U.S.C. 75a), is hereby repealed.

SEC. 9. The foregoing provisions of this Act shall become effective on the sixtieth day following the date of enactment of this Act.

Approved August 20, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1459 (Comm. on Post Office & Civil Service)..

SENATE REPORT No. 829 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 110 (1964):

Jan. '23: Considered and passed Senate.

June 15: Considered and passed House, amended.

Aug. 8: Senate concurred in House amendments.